

# The Returning Prisoner and the Future of Work

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## Introduction and Context

By 2000, as prison populations increased every year to record highs, leaders in criminal justice called the attention of policymakers to the implications of “reentry,” the return of 650,000 prisoners to their communities each year, and with it their difficulties finding employment.<sup>1</sup> Soon new research and new programs, funded in part by the federal Second Chance Act of 2007, focused on moving returning prisoners into the workforce.

In 2008, when the recession hit, I was at the John Howard Association, an Illinois prison watchdog organization. There I listened to former inmates frustrated by not getting jobs –not even getting interviews-- though they attended all available programs, followed the rules, and pounded the pavement day after day. Among them were good candidates, people my organization would have hired had we the funds. These returning prisoners struggled to escape a bleak future of limited, low-paying work for which there was tremendous competition. They were obviously not prepared for it. It was not clear how they could have been.

In 2010, a Soros Justice Fellowship at the Bluhm Legal Clinic at Northwestern University School of Law gave me an opportunity to devise innovative strategies by which returning prisoners could be better prepared for a competitive, changing world of work. I was aided by a talented team of law students.\* That project informs my thinking about employment and prisoner reentry today and about the returning inmate’s place in- and contributions to- the future of work.

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\* Northwestern Law School students whose research, interviews in the field, comments and papers contributed to the Prison Reentry Strategies program at Northwestern Law School – Bluhm Legal Clinic in 2010 – 2012 included: Shilpa Avasare, Ty-Reese Britt, Nikki Lee, David Rubin, Louis Sarmiento and Gillian Satersfield. The program description and documents are accessible at <http://www.law.northwestern.edu/legalclinic/prison/aboutus/>

## The Future of Work

We begin with the recent finding, that computerization has put 47% of the total jobs in the United States at risk of being automated, replacing workers.<sup>2</sup> Labor economists attribute at least some of the “sluggish” employment growth over the last 10-15 years to advances in computer technology and foresee “dismal prospects for many types of jobs... not only in manufacturing, clerical and retail work but in professions such as law, financial services, education, and medicine.”<sup>3</sup> They conclude that automation is cutting deeply into an already diminished demand for, and wages paid to, manual, semi-skilled or blue collar workers, and threatens jobs once thought too complex for computers to handle.<sup>4</sup> Technology helps drive income inequality by increasing productivity to the financial benefit of bright innovators at the top while low-wage, unskilled workers are losing out, still working perhaps but at lower wages than in previous years.<sup>5</sup> If what lies ahead is not the end of work, economist Jeremy Rifkin’s catchy 1995 book title,<sup>6</sup> at best we face a “highly disruptive period of economic growth... a period of disorientating and uncomfortable change” that will adversely affect those already at the bottom of the economic heap.<sup>7</sup>

According to labor economists, the expected harsh impact of computerization on today’s middle and laboring classes can be mitigated by “recognizing the problem and taking steps such as investing more in education and training of workers,”<sup>8</sup> not just generally but to the point of their mastery of specific skills.<sup>9</sup> Furthermore, they conclude that participation in a future world of work (encompassing the sociological and environmental facets of the workplace) will require enhanced social and communications skills.<sup>10</sup>

In the short run, the prospects for today’s workers will improve with investments in infrastructure and encouragement for entrepreneurs to invent new products, design services and build new industries, each of which creates jobs. Over the long haul, though, the same economists caution that our economy “just might not need a great deal of human labor.”<sup>11</sup>

## The Challenge for the Returning Prisoner

Bleak as the future of work may seem for the general population, it is far worse for the approximately 650,000 people currently returning from prison each year.<sup>12</sup>

Returning prisoners already encounter prejudice and suspicion associated with an arrest, criminal conviction and incarceration.<sup>13</sup> Many employers including some of the largest corporations automatically disqualify any person with a prior conviction from applicant pools,<sup>14</sup> and persons convicted of a range of offenses are barred by laws from entering many occupations.<sup>15</sup> The disproportionate number of returning prisoners who are minorities will encounter undesirable and quite likely illegal discrimination.<sup>16</sup>

Prisoners disproportionately suffer higher incidence of mental illness, substance abuse and addiction, learning disabilities, illiteracy or below grade-level educational achievement<sup>17</sup> and abuse or post-traumatic stress syndrome.<sup>18</sup> Unless fully addressed, each of these conditions impede the returning prisoner’s ability to compete for work today or for the jobs of the future.

Excluding prisoners from the world of work has a tremendous economic as well as social cost. The removal of approximately 1.1 million men from the labor market while incarcerated and the restrictions placed on them following release results in an annual net loss in gross domestic product of between \$57 – 65 billion in 2008 by one estimate<sup>19</sup> and \$100 - \$200 billion annually by

another.<sup>20</sup>

## For Prisoner Reentry, a Future Different From the Present

We can foresee that in future decades policy-makers and corrections leaders will have abandoned today's ineffective strategies in favor of new approaches to employment-related prisoner reentry. They will have learned how to make programming more economical and politically feasible. And, they will be working with a smaller and different prison population than the present one. To expand:

### Abandoning Ineffective Strategies in Favor New Approaches

Prior to the late 1990s, studies consistently found that corrections-based work programs did not significantly improve a returning prisoner's success in finding and then retaining a job. In the late 1990s more sophisticated evaluations found that some educational, vocational and work programs at best marginally improved returning prisoners' success in obtaining employment.<sup>21</sup>

One of the most rigorous evaluations of a highly regarded, well designed transitional work program found that while participation in the carefully designed program reduced overall recidivism by from 71% to 65%, the rate at which participants gained or retained employment after a period of subsidized employment expired was not significantly better than the rate for a control group.<sup>22</sup>

Evaluations of other programs have found that program participation increased employment rates by about 10%.<sup>23</sup> Yet even those positive results were qualified: a Rand study found that the "odds of obtaining post-release employment among inmates who participated in correctional education programs are 13 per cent higher" than for inmates who did not participate. Because of the possibility that prisoners selected for programs were pre-disposed to succeed, however, "the evidence is only suggestive that correctional education is potentially an effective strategy for improving the post release employment prospects of inmates."<sup>24</sup> (Emphasis added.)

After a comprehensive review of the research and evaluations Doris Layton MacKenzie, Director of Pennsylvania State University's Justice Center for Research, concluded that while corrections employment-related reentry programs had "some positive impact" on both recidivism and employment, not enough is known to determine which kinds of programs are actually effective.<sup>25</sup>

These tepid, qualified endorsements of correctional work programs by criminal justice researchers contrast sharply with the value labor economists and business people place on education and vocational training.

But perhaps correctional employment-related reentry programs fail to demonstrate effectiveness because they lack duration, intensity, or the focus on specific skills that labor economists and businesses insist are necessary to prepare today's workers for skilled or technologically-advanced jobs. The truth of the matter is that correctional programming historically set a low bar: "[T]he typical job for which a prisoner is prepared is a low-skill, blue collar, or manufacturing job,"<sup>26</sup> exactly the kind of work that pays poorly or will be eliminated in an increasingly technological and computerized workplace.

Federal grant-making meant to improve outcomes may not be doing so. The Second Chance Act grant projects that attempted to address adult employment often involved inmates in short term

programming, no more than 90 or 180 days prior to or after release. Vocational programming more often focuses on general skills which, if successfully learned, put the inmate in competition for low-skilled jobs. Services provided inmates after release likely involve mentoring and/or extended post-release supervision on parole, instruction or counseling in general work force or “job readiness” skills or referrals to assisting agencies, but seldom a continuum of skills training initiated while in prison or connected to a specific job waiting to be filled.<sup>27</sup>

Rather than holding itself captive to meager results, employment-related reentry programming of the future will adopt labor economists’ recommendations by providing extended, in-depth vocational training in skills that industry needs, having turned to those industries and businesses for guidance and best practices. Already, some reentry programs funded by the Department of Labor are trending in this direction.<sup>28</sup>

## Managing the High Cost of Work-Related Reentry Programming

Lack of money, the single biggest obstacle to developing and implementing reentry programming,<sup>29</sup> impedes expansion of employment-related reentry programming.

While the majority of states offer adult secondary and post-secondary educational programs in prison, and more offer some level of vocational training,<sup>30</sup> programming has been spread ever thinner. A RAND Corporation survey found that 36 states decreased funding for academic and/or vocational education by 6% - from \$114,546,927 in 2009 to \$100,760,235 in 2012.<sup>31</sup>

In a tight economy, these reductions are understandable. The cost of work-related correctional programming is formidable. Per-program and per-participant cost of employment-related reentry programs are readily calculated from grant and project budgets. Second Chance Act programs have been funded in the \$500,000 - \$700,000 range; costs per participant run between \$3,000 and \$5,000. Recent Department of Labor-funded reentry programs cost \$8,000 per participant.<sup>32</sup>

At \$3,000 per participant, funding current models of educational and vocational programs for just half of one year’s 650,000 returning prisoners would cost close to \$ 1 billion --- ten times the amount spent for these purposes in the 36 states that responded to RAND’s survey. Department of Labor program models cost more than twice this amount. Political support for funding at these levels is unlikely, as the reaction to New York Governor Cuomo’s recent short-lived proposal to provide college courses for prisoners illustrates.<sup>33</sup>

Training for work is expensive. In the business world, however, the high cost is less immediately obvious because it is shared between business, government at the federal, state and local levels, trade unions and individuals. And costs are charged against overhead and other expense categories.<sup>34</sup>

In coming decades, work-related reentry programming would be structured and funded more as it is today in business, through well-defined partnerships with private enterprise and community colleges. Costs would be shared,<sup>35</sup> making the price of training prisoners much less of a barrier to bringing prisoners into the world of work.

## The Significance of a Smaller, Differently Profiled Prison Population

It will take work, but in the coming decades we should expect that prison populations will have decreased. Criminologists, the National Institution of Corrections, and a bold public campaign announced by JustLeadershipUSA have set goals of a jail and prison population that is half the

present size.<sup>36</sup> To the extent prison populations are reduced, the inmate profile will be different: a population with more significant criminal histories and convictions. Lower inmate populations would free corrections institutions of the high volume of short-term inmates and prisoners who currently clog the system and, as a result, put them in a much better position to treat substance abuse and mental illness, rectify basic educational needs, and provide cognitive therapies.

As prison populations decrease, a number of prisons would be emptied. Some of these would be transformed into centers for treatments and services.<sup>37</sup> Others could be leased for commercial enterprise or put to use in public-private partnerships where new jobs will be created, as explained in the following sections.

The costs of corrections-based employment-related reentry programming would be reduced in proportion to the smaller prison population, with reentry programming for persons not in prison shifted to community-based programs where expenses are lower and for which funding resources are richer.<sup>38</sup>

## Bringing Returning Prisoners into the Future of Work

An array of new strategies for employment-related prisoner reentry will bring returning prisoners into the workforce of the future. Here are seven:

### **1. Vocational and Technical Work Skills Training will Follow Successful Completion of Programming to Improve Cognitive Skills, Reasoning and Empathy**

From her extensive examination of different types of employment-related programs, Doris MacKenzie hypothesized that for vocational training and work programs to be effective, returning prisoners should first undertake academic and vocational educational programs that improve cognition in reasoning, empathy and problem solving.<sup>39</sup> Her hypotheses has been partially incorporated into a model approach to “reentry education” proposed by the U. S. Department of Education.<sup>40</sup>

With this in mind, we can envision a future in which academic and vocational educational classes would be valued as the setting in which seriously offending inmates will learn social and communications skills MacKenzie and other experts predict will be even more important to the ability to work in the future than they are today. Notwithstanding Governor Cuomo’s recent retreat, effective reentry programs will provide prisoners opportunities for transformational change with programs similar to that developed at New York’s Bard College before assigning them to technologically-relevant vocational training.

This two-stage or serial approach will prove cost-effective, because expensive work-related skills training would not be wasted on individuals who are not prepared to make use of them, a factor which might possibly figure in present high failure rates.

### **2. Vocational Training Focused on Specific Skills and Intense Instruction**

The curricula for prison-based vocational programs of the future will be developed in partnership with community colleges, businesses, industries and labor.<sup>41</sup> Prison-based vocational programs, as indeed their counterparts outside prison, may eventually move closer to the German apprenticeship model, wherein companies pay employees for up to three years of on-the-job

training and classroom instruction at vocational schools and for which employer's associations, trade unions and the German federal government jointly prepare curricula.<sup>42</sup>

Businesses would enter into these partnerships because of the tangible advantages of engaging prisoners in longer-term vocational and apprenticeship programs: prisoners are motivated and have high attendance rates; costs are reduced because the government is already paying for room, board and health care, and the time and location that prisoners will to be released and available for work is known in advance.

### **3. Private Industries Employing Prisoners**

In the future world of work, an increasing number of private businesses would find it advantageous to hire prison inmates to work outside of prison walls and in plants installed to the company's specifications within or adjacent to a prison. Unlike the majority of private prison industries today, these businesses would pay close to competitive wages, compete on the open market, and would be fairly compensated for their contribution to prisoner reentry.

During my Fellowship students and I examined the history and potential of private prison industries.<sup>43</sup> In addition, I twice visited Fred Braun, a businessman at the center of the Kansas Department of Corrections Private Prison Industries and a champion of private businesses training and employing – and paying – prisoners.<sup>44</sup> Kansas companies employing prisoners included a heavy equipment manufacturer with a specialty in welding, an electronics firm that assembled sensitive industrial temperature gauges in an ultra-clean “white room,” and a porcelain commemorative plate manufacturer. Each company trained its workers to fully participate in a competitive work environment, absorbing the costs of training and apprenticeship while inmates mastered marketable skills.<sup>45</sup> While outcomes were never formally evaluated, corrections officials and Braun were confident that inmates who were employed in Private Prison Industries did relatively well after their release from prison.<sup>46</sup>

All parties in Kansas' Private Prison Industries gained some benefits. The companies had a reliable, stable labor pool, received federal tax advantages for hiring workers with “disabilities,” and avoided sick pay, layoffs and unemployment insurance costs. While the Kansas Department of Corrections offered low utility rates and paid some capital costs to private companies, the hiring business adsorbed the direct costs of training.<sup>47</sup> Inmates learned real work skills, were able to set aside nest eggs and pay child support, family bills and a percentage of wages to the Department of Corrections.<sup>48</sup>

To this date, no private prison industries program, including Kansas,' has quantified costs and benefits in any way that takes into consideration the business's value as a reentry program.<sup>49</sup> This should change in the future, when parties will negotiate contractual partnerships based on the financial costs and benefits for private prison industries, corrections agencies, general government, the taxpayer and the prisoner.

### **4. Creating Corrections and Business Partnerships**

In the future, correctional agencies and businesses would forge innovative, mutually beneficial cost-sharing partnerships short of establishing private prison industries that will successfully return prisoners to the world of work. A particularly interesting example is in Illinois, where from 2010 to 2011 the Department of Corrections went to great lengths to successfully forge just such a partnership.<sup>50</sup>

Using informal contacts, a senior staff person at the Illinois Department of Corrections discovered

that there was a critical demand for certified workers in the “clean coal” industry in southern Illinois.<sup>51</sup> Rend Lake Community College, adjacent to a southwestern Illinois prison, taught a two-year series of courses leading to the required certifications. The college used equipment and a mock-up mine for which the coal industry contributed support.

Working with the College, the Department of Corrections arranged to refit and equip a classroom at the prison. It also committed to the unusual steps of screening its inmate population for individuals who were to be released within a specific time frame to communities in coal mining areas of the state,<sup>52</sup> and to transfer prisoners meeting the criteria (and volunteering for the program) to the prison for a six month-long multi-course vocational training using a curriculum designed by Rend Lake Community College. After release, returning prisoners would then complete the certification process at the Community College where additional equipment and a mock up mine were located. Notably, in the post-release college classroom phase, returning prisoners were taught side by side with regular students, marking a return to community and responsibility outside prison walls.

The Department agreed to other steps, such as the transfer of inmates who were short of their release dates at the conclusion of the prison-based phase of training to a DOC work release center and the provision of transport between the center and the college. The Department arranged to begin reentry support and job counseling for inmates while inside the prison and to continue the support after release.

One of the mining companies’ hiring agencies agreed to place returning prisoners who earned certificates in “clean coal” mining techniques in positions that paid between thirty-forty thousand dollars annually.

Under this model, costs would be reduced even as prisoners were being provided intense, multi-semester technologically current training. Corrections would benefit from having entire tiers of inmates engaged all day in classrooms and with homework. For the industry, the pool of certified applicants would increase at no additional cost. Inmates who obtained certification would be reasonably assured of employment either in coal mining or a related field. Those not hired would still have benefited from skills training in a competitive environment.

## 5. An Entrepreneurial Approach

The Fellowship also provided an opportunity to interview former prisoners who had started their own businesses, including an upholstery and carpet cleaning service whose owner hired exclusively former inmates. The individuals who created these businesses circumvented prejudicial and exclusionary hiring practices for themselves and the returning prisoners that they hired, but they struggled to meet initial capital investments and start-up costs.

In the future of work, public or private investments could address the problem of a lack of capital. As an example, Accion, a Chicago non-profit which encourages, mentors and invests in small entrepreneurial start-ups inaugurated a pilot program at Sheridan Prison in Illinois. Over the course of a year, Accion put 150 inmates through 12 weeks of classes developing business plans and made small loans averaging just over \$2,000 to about 19 returning prisoners. Fully 70% of the loans were paid back and several loan recipients continued as regular clients who, according to the program manager, are “doing well.” Accion concluded that the return on loans was satisfactory but found that counseling and mentoring drew heavily on its small staff’s time, and so passed that function off to another non-profit, expecting to continue to make loans.<sup>53</sup>

Some returning prisoners may be able to enter the workforce through a version of private partnerships. Roy Chilson, an entrepreneurial owner of several small Virginia businesses<sup>54</sup> developed the concept of forming limited partnerships between local entrepreneurs and inmates who demonstrate aptitude for a particular industry or skill - industries that might include anything from manufacturing to technology. After training in specific skills needed by the industry, inmates would begin to work from within correctional facilities and could continue to work for the same business after release, compensation potentially augmented by partial ownership interest in new, speculative enterprises. Chilson believes that for some prisoners ownership interest in a company would be a more powerful motivator than the prospect of hourly work. The focused industry- and job-specific training he envisions meshes with labor economists' emphasis on specialized training as a strategy to bring individuals into the labor force. Recent experiments in bringing disadvantaged San Francisco residents into high-tech industries suggest greater success with programs that provide specialized training or apprenticeships than programs that incentivize firms to hire untrained individuals with tax breaks.<sup>55</sup>

## 6. Job Creation

No amount of improvement in approaches to preparing prison inmates for the world of work will overcome the shortage of higher-wage jobs predicted by labor experts. Only major investments in infrastructure and in new industries will create new jobs.<sup>56</sup> The nation's political leadership is not currently disposed toward capital investments from public funds of the magnitude that is needed even to maintain the transportation infrastructure.

Crises have a way of breaking down barriers, however. For a relevant example, this past year over 4,000 California prisoners were engaged on fire-fighting crews, learning and then working in forest camps outside prison walls with minimal correctional supervision.<sup>57</sup> No one seems upset.

The nation faces at least one crisis that dwarves California's drought-driven forest fires; the multifaceted impacts of global climate change will require huge investments and new technologies in order to mitigate inevitable damage. Entire cities will need to be protected or moved, transportation facilities repositioned, agricultural practices altered, commercial fishing sustained, water shortages and flooding addressed, and a great many actions must be taken to salvage hundreds of species in the oceans, wetlands, shores and forests.

At this time, local governments as well as the U. S. military are repairing and changing infrastructure, re-engineering water treatment and sewerage disposal, raising structures above the reach of the sea. These efforts, a fraction of what will have to be done in the coming decades, will open up hundreds of new job specialties and hundreds of thousands of new jobs.

As the effects of climate change become increasingly clear, the federal government will be compelled to invest quickly and heavily in remedial projects and applied research. And, according to future of work theorist Lynda Gratton, we can expect large corporations to deploy the creativity, vision and good will necessary to tackle the largest of problems facing us.<sup>58</sup>

As in any crisis of magnitude, there will be experimentation under pressure with new techniques and technologies.

In this environment, prisoners in a correctional setting become assets.

Of course, prisoners can be trained and brought into physically demanding jobs, such as firefighting in California. Beyond that, though, as engineers experiment with new techniques and technologies, prisoners can be trained in advance at relatively modest expense for jobs that will

utilize those technologies. Following the Illinois “clean coal” model, returning prisoners could be trained to fill new technologically-demanding heavy-industry jobs where there are shortages of qualified workers. Following the Kansas Private Prison Industry model, experimental, start-up or speculative new-technology companies would hire and train prisoners, significantly lessening the start-up cost to industry. Furthermore, untested technologies will provide opportunities for entrepreneurship and shared risk-taking in new construction, agriculture, plant and wildlife management, field research and environmental services.

In the future world of work, corrections agencies, government in general, and business will negotiate details of arrangements to train and employ prisoners in technologically and physically demanding jobs needed to mitigate the impacts of global climate change and, as they appear, other extraordinary demands upon states and the nation, motivated by standard business analysis of costs and benefits to government, corrections, industry and prisoners.

Beyond the calculated financial advantages to government, private businesses and entrepreneurs, however, generosity still appears with regularity. There are a number of business people who share Fred Braun’s, Roy Chilson’s and Accion’s investors’ commitment to bringing returning prisoners into the world of work.<sup>59</sup>

The huge task of remedying climate change is not the only opening that we have or that will befall us in the future. For example, architect Jane Merkel recently proposed that the unemployed tenants of New York City’s public housing be trained and then retained to complete some of the \$18 billion dollar backlog in repairs confronting the agency. Once having learned repair skills, she suggests, they would be primed to move into jobs in the booming real estate construction business in New York.<sup>60</sup>

## **7. Extending Effective Employment Reentry to a Larger Community through Political Collective Bargaining**

The disadvantages associated with returning prisoners also beset a significant portion of the approximately 11 million people who enter and are released from jail each year.<sup>61</sup> Transitioning jail inmates into the future world of work will require an array of services and supports including educational and vocational training oriented toward meeting the needs of local businesses.<sup>62</sup>

Still more people who have never been incarcerated suffer the consequences of convictions, including for misdemeanor drug offenses, that result in disqualifications.<sup>63</sup> Many of the approximately four million adults on probation<sup>64</sup> are hampered by educational shortcomings, mental health and substance abuse issues, and a lack of relevant skills training. They are just as much in need of assistance in finding a place in the world of work as are returning prisoners. And, jail inmates and probationers are concentrated in the same relatively small number of communities that are home to a disproportionate number of prisoners.<sup>65</sup>

In the future, funds not required because prison populations will be smaller can be made available to community-based programs designed to move residents into the world of work. The kind of program architect Jane Merkel proposed for New York’s public housing residents might very well be supported with monies that today are spent maintaining prisons. So, too, might community college courses developed in conjunction with businesses likely to hire successful students.

Policy-makers will have sound reasons to allocate additional funds and support to community-based services, programs and technologically-relevant training capable of preparing residents of poorer, disadvantaged communities for the future of work. According to Richard Florida, whose

mapping techniques reveal increased income inequality in all 50 states, “The most effective strategy for reducing inequality ... [lies] in improving educational and economic opportunities and increasing the wages of those at the very bottom of the economic order.”<sup>66</sup>

But just as likely, the demand for educational and vocational training sufficient to move lower income workers of today into the future world of work will have come from below. The driving force may be organized labor: either traditional unions engaged in collective bargaining or through alliances of low-wage workers and “union-organized non-unions” such as the 3.3 million-strong AFL-CIO-backed group Working America. Workers alliances have won \$15.00/hour minimum wage laws in Seattle, Washington, concessions from taxi regulators in New York City, and legislation providing protections and benefits for domestic workers in Hawaii, California, Massachusetts and New York through “politically constructed bargaining between the leaders of business and labor.”<sup>67</sup>

Workers alliances seem to have the potential to organize different categories of today’s low-wage workers, many of whom are residents of the same low-income communities whose members are disproportionately involved at every level of criminal justice. In coming years, they might well expand their demands from straightforward increases in pay, rescissions of excessive taxi cab regulation, and protections of domestic worker’s civil rights to advocacy for those things which will help move their constituencies into the future of work: for better schools, access to community college or vocational training for new, technologically relevant jobs, and the opportunity to compete for those jobs.<sup>68</sup> Returning prisoners will benefit when larger segments of their communities press demands to employers and local government for the tools that will bring them into the future world of work.

## Conclusion

Thanks to the computer and robotic technologies, for the first time in recent history we find that the future of work is in doubt. Jeremy Rifkin’s “end of work” is closer to reality than ever before, especially for those least able to compete in a technologically changing world.

Yet there is room for optimism. Even for returning prisoners, there are pathways leading to a future of work. Rifkin himself suggested a solution in increased government spending on social programs and public works. For the returning prisoner, though, the more robust and politically feasible approach will involve mutually-beneficial cost-sharing partnerships between corrections and general government, private enterprise and entrepreneurial businesses, and the returning prisoner. The returning prisoner of the future may have been through a multi-semester skills-focused education and training program to equal the strongest community college or skilled apprenticeship program adapted to a prison setting, with costs shared among parties much as in the private sector. Or, he or she may have become employed in a viable, competitive industry while still incarcerated.

Some may leave prison equipped, with sponsorship, to engage in entrepreneurial, risk-sharing business ventures.

In either case, the returning prisoner that needs help will find it in community-based programs alongside other community members organized to make for themselves a place in the technologically-advanced, competitive future world of work.

There is even room for optimism about the future of jobs, both traditional and entrepreneurial. Jobs will be created by large-scale private-sector and government activities necessary to repair

and replace a crumbling infrastructure, to address the effects of climate change, and to satisfy reasonable demands of communities engaged in political collective bargaining.

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The views and opinions expressed in this position paper are solely those of the author(s). These views and opinions do not necessarily represent those of the Open Society Foundations.

## Notes

<sup>1</sup> Jeremy Travis, *But they all come back: Rethinking prison reentry* (National Institute of Justice, Washington, D. C., 2000); Joan Petersilia, "Prison Reentry: Public Safety and Reintegration Challenges," *The Prison Journal* (September 2001) pp. 260 ff.

<sup>2</sup> Carl Benedict Frey and Michael A. Osborne, *The Future of Employment: How Susceptible are Jobs to Computerisation?* (Martin Programme Oxford University, September, 2013) at pp. 1, 36-39; accessible at: <http://www.oxfordmartin.ox.ac.uk/publications/view/1314>

<sup>3</sup> Eric Brynjolfsson and Andres McAfee, *The Second Machine Age: Work, Progress, and Prosperity in a Time of Brilliant Technologies* (W. W. Norton and Co., Inc., January 2014); Eric Brynjolfsson and Andres McAfee, "Jobs, Productivity and the Great Decoupling," *New York Times* (December 11, 2012); accessed on 21 September 2014 at <http://nyti.ms/rplbdu>

<sup>4</sup> Some labor economists believe that there are other plausible explanations for the economic doldrums of the last decade; see, David Rotman, "How Technology is Destroying Jobs," *MIT Technology Review* (June 12, 2013): "[G]lobal trade and the financial crisis ... could account for the relative slowness of the job creation since the turn of the century. 'No one really knows,' says Richard Freeman, a labor economist at Harvard University," at p. 2; accessed on 15 September 2014 at <http://bit.ly/1cb2sqn>

<sup>5</sup> For a summary of labor economists opinions about the relationship between technology and income inequality, see "The Future of Jobs: The onrushing wave", *The Economist* (January 18, 2014) at p. 6, 8 of 8. Also, Rotman, "How Technology is Destroying Jobs," op. cit., borrowing from Andrew McGee: "The middle seems to be going away;" "The top and the bottom are getting farther apart," at p. 6 of 7. According to Richard Florida, director of the Martin Prosperity Institute at the University of Toronto and Global Research Professor at New York University, income inequality increased in all 50 states from 1979 to 2012 and is today highest in large cities and urban areas, a "byproduct" of the same factors of population density and clustering that drives innovation and economic growth, Richard Florida, "Mapping Three Decades of Rising Income Inequality, State by State," *The Atlantic CityLab*, 12 May 2014, at <http://bit.ly/1sBP2w3>.

<sup>6</sup> Jeremy Rifkin, *The End of Work: The Decline of the Global Labor Force and the Dawn of the Post-Market Era* (Putnam Publishing Group, 1995).

<sup>7</sup> Brynjolfsson and McAfee, "Jobs, Productivity and the Great Decoupling," op. cit.; "The Future of Jobs: The onrushing wave", op. cit.

<sup>8</sup> Erik Brynjolfsson by way of David Rotman, "How Technology is Destroying Jobs," op. cit., at p. 7

<sup>9</sup> Lynda Gratton Investigates: The Future of Work, *Business Strategy Review* (3<sup>rd</sup> Quarter 2010) pp. 16ff. pp. 18, 21, accessed 15 October 2014 at <http://bit.ly/Klyfio>.

<sup>10</sup> The occupations that are least likely to be substituted for by computers are those that involve complex perception and manipulation tasks, creative intelligence tasks, and social intelligence tasks," *The Future of Employment: How Susceptible are Jobs to Computerisation?* op. cit., at p. 27. In coming years, "...interpersonal skills won't be automated ...we'll spend more time on interacting with each other and engaging different kinds of leisure pursuits," Eric Brynjolfsson interviewed for *To the Best of our Knowledge* " accessed at <http://bit.ly/1pg8c9o> on 6 October 2014. See also: "The Future of Jobs: The onrushing wave", *The Economist*, op. cit., envisioning specialization in "more emotive occupations, as yet unsuited to machines: a world of artists and therapists, love counsellors and yoga instructors," at p. 7 of 8.

<sup>11</sup> "Jobs, Productivity and the Great Decoupling," op. cit.

<sup>12</sup> For a superb "one-stop" annotated bibliography of the full range of disabilities and disadvantages confronting returning prisoners, see: Rya van der Harst & Marina Hernandez, *Barriers to Employment & Reentry for Formerly Incarcerated People*, Thelton E. Henderson Center for Social Justice (Berkeley Law School, University of California - December 2008, at: [http://www.law.berkeley.edu/files/December\\_2008\\_FIP\\_Annotated\\_Bibliography.pdf](http://www.law.berkeley.edu/files/December_2008_FIP_Annotated_Bibliography.pdf)

<sup>13</sup> For a succinct yet comprehensive description of the challenges that confront returning prisoners seeking work and generally relied upon in this section, see, Amy L. Solomon, Kelly Dedel Johnson, Jeremy Travis, Elizabeth C. McBride *From Prison to Work: The Employment Dimensions of Prisoner Reentry A Report of the Reentry Roundtable* (Urban Institute, Washington DC- 2004) at pp 6- 14.

<sup>14</sup> Michelle Natividad Rodriguez & Maurice Emsellem, "65 MILLION "NEED NOT APPLY" The Case for

*Reforming Criminal Background Checks for Employment*, (National Employment Law Center March 2011) at p. 1 – 2. Advocacy including “Ban the Box” campaigns and committed law-makers have ended some automatic exclusions from employment and various other barriers to employment for convicted felons in several jurisdictions; see “State Reforms Promoting Employment of People with Criminal Records: 2010-11 Legislative Round-Up” published by The National Employment Law Center, The Sentencing Project and the National HIRE Network, December 2011.

<sup>15</sup> State administrative and criminal statutes bar or restrict employment and professional licensing based on a wide range of convictions of misdemeanor and felony offenses. The number and range of disqualifications may be grasped by a random review of any state’s disqualifications on the web-based National Inventory of the Collateral Consequences of Conviction, maintained by the American Bar Association with a grant from the National Institute of Corrections, found at: <http://www.abacollateralconsequences.org/>

<sup>16</sup> From Prison to Work: The Employment Dimensions of Prisoner Reentry A Report of the Reentry Roundtable, op. cit., at p. 13; see Devah Pager, “The Mark of a Criminal Record.” *American Journal of Sociology* (Summer 2004) pp. 937–75. This well-known study conducted in Milwaukee, Wisconsin documented that while 34% of hypothetical matched white applicants received call-backs for interviews, only 17% of white applicants with criminal histories received call-backs, which however exceeded the 14% call-back rate for hypothetical matched black applicants with no criminal history. The call-back rate for black applicants with a criminal history was 5%; see pp. 44-45.

<sup>17</sup> From Prison to Work: The Employment Dimensions of Prisoner Reentry op. cit. at pp. 8 - 11; U.S. Department of Education, Office of Vocational and Adult Education, *A Reentry Education Model: Supporting Education and Career Advancement for Low-Skill Individuals in Corrections* (Washington, D.C., 2012) pp. 1-2; Malik-Kane, V and Visser, CA. *Health and Prisoner Reentry: How Physical, Mental, and Substance Abuse Conditions Shape the Process of Reintegration*. Urban Institute Justice Policy Center (February 2008).

<sup>18</sup> According to the National Center for Biotechnology Information (NCBI), National Library of Medicine National Institutes of Health, all four recent qualified research papers on the topic suggest that the prevalence of PTSD among sentenced prisoners is higher than that in the general population; accessed on 15 September 2014 at <http://www.ncbi.nlm.nih.gov/pubmed/17595672>

<sup>19</sup> John Schmitt & Chris Warner, *Ex-Offenders and the Labor Market* Center for Economic and Policy Research (November 2010) at p. 1, 14, <http://www.cepr.net/documents/publications/ex-offenders-2010-11.pdf>

<sup>20</sup> From Prison to Work: The Employment Dimensions of Prisoner Reentry A Report of the Reentry Roundtable, op. cit., at p. 6, citing Richard Freeman, “Crime and the Employment of Disadvantaged Youths,” *Urban Labor Markets* (1992).

<sup>21</sup> William G. Saylor & Gerald G. Gaes, “Training Inmates through Industrial Work Participation and Vocational and Apprenticeship Instruction,” *Corrections Management Quarterly* (1997) pp. 32, 34, 40. Saylor and Gaes completed their evaluation of the post-release impact of prison work experience and vocational and apprenticeship training in 1996. Taking a different research approach to previous studies which found little evidence that skills training in prison improved the employability of returning prisoners, and looking at data for different occupational groups, Saylor and Gaes found that 71.7% of a sample of inmates who had participated in industrial work for six months prior to release or had received vocational training were employed 12 months after release, compared to 63.1% of a similar population who had not received vocational training.

<sup>22</sup> Valerie Levshin, Megan Millenky, Cindy Redcross & Timothy Rudd, *More Than a Job Final Results from the Evaluation of the Center for Employment Opportunities (CEO) Transitional Jobs Program* (Office of Planning, Research and Evaluation, U. S. Dept. of Health and Human Services, January 2012) Impact on employment at pp. 27, Table 3.1 at p. 30. Program participants overall recidivism rate at pp. 25, Table 3.2 at p 32.

<sup>23</sup> *An Outcome Evaluation of Minncor’s EMPLOY Program*, Minnesota Department of Corrections (March 2011); at p. 20; statistical analysis at pp. 24-26, finding a 76% post-release employment rate for participants in a Minnesota program compared to a 67% rate for non-participants. See also: *Corrections Industries Programs for Adult Offenders in Prison: Estimates of Benefits and Costs*, Washington State Institute for Public Policy (January 2005) at p. 1: finding that participation in correctional industries reduced the recidivism rate from 40 to 36% within eight years of leaving prison, but made no findings about the impact on employment; Marilyn C. Moses and Cindy J. Smith, Ph. D., “Factories Behind Fences: Do Prison ‘Real Work’ Programs Work?” (June 2007) an NIJ-sponsored study of the Prison Industry Enhancement Certification Program (PIECP) which reports “positive,” not “conclusive” findings that the percentage of released prisoners who retained employment for one year increased from 38.5% to nearly 49 percent for inmates who while incarcerated engaged in competitively-paid “real work” employment for a private business. In addition, 60% of program participants remaining arrest free after three years compared to 52% for other groups. Accessed on line 15 September 2014 at <http://bit.ly/iwstR8J>.

Note: The researchers who write these reports determine that five or ten percentage points difference in recidivism or hiring rates are “statistically significant,” modest gains welcomed in the world of criminal justice. However, during my Fellowship, my students and I listened to employers talk about their needs and expectations for the workers they hire, and concluded that for

most employers these numbers would be neither persuasive nor particularly relevant. Employers wanted to hire people who could do a particular job, or be trained to do a job, with no more than the normal turnover for the industry. From this perspective, an evaluation showing that a particular kind of corrections or reentry program improved the likelihood of a returning prisoner staying on a job for more than one year by roughly 10 percentage points might convince an employer that it would be a poor bet to hire either.

<sup>24</sup> Lois M. Davis, Robert Bozick, Jennifer L. Steele, Jessica Saunders & Jeremy N. V. Miles, *Evaluating the Effectiveness of Correctional Education: a Meta-analysis of Programs that Provide Education to Incarcerated Adults* (Rand Corporation, 2013). Evaluations found a positive program impact but could not rule out “selection bias”, pp. 17 – 18 & Table 2.1.

As of 14 October, 2014, the Council of State Government’s Justice Center’s “What Works” web site reviewed 19 evaluations of various work-related programs and succinctly reports results:

[Of five unique programs that were evaluated, two did not have] a significant effect on reducing recidivism or helping people find or retain jobs. Of ... two work crew programs, only the National Supported Work Demonstration Project was found to have significant effects on recidivism; [the other] showed no impact on recidivism, although the researchers did find that participants experienced a significant, positive effect for employment outcomes – particularly in finding and retaining construction jobs, which were the focus of the intervention. Conversely, a study of CEO [in New York City] found modest evidence that the program lowered recidivism rates, but the study did not find a program impact on employment. ...

Researchers identified several studies on both prison industry programs and work release programs; however, results for both types of interventions were mixed. In total, six work release studies meeting the criteria were identified, which were evenly split in terms of both recidivism and employment findings (i.e., half of the studies that examined each outcome found an effect, while the other half did not). Similarly, of the seven prison industry studies identified, four found evidence that the programs reduced recidivism, while the remaining three found no evidence of an effect. Finally, one study examined the effects of jobs associated with the operation of correctional facilities (e.g., laundry, cooking) on reentry outcomes, finding no effect on recidivism or employment.

Accessed on line 15 September 2014 at: [http://whatworks.csgjusticecenter.org/focus\\_areas/employment-topic](http://whatworks.csgjusticecenter.org/focus_areas/employment-topic)

<sup>25</sup> Doris Layton MacKenzie, “The Effectiveness of Corrections-Based Work and Academic and Vocational Education” in *The Oxford Handbook of Sentencing and Corrections*, Joan Petersilia and Kevin R. Reitz, eds. (Oxford University Press, April 2012) at pp. 492ff. Also available from Oxford Handbooks Online at [www.oxfordhandbooks.com](http://www.oxfordhandbooks.com); cited chapter may be downloaded for personal use only from <http://bit.ly/uNd3G8>.

<sup>26</sup> From Prison to Work: The Employment Dimensions of Prisoner Reentry- A Report of the Reentry Roundtable op. cit., at p. 6.

<sup>27</sup> D’Amico, Ron; Geckeler, Christian; Henderson-Frakes, Jennifer; Kogan, Deborah & Mozad, Tyler, *Evaluation of the Second Chance Act (SCA) Adult Demonstration 2009 Grantees, Interim Report (2013)* Washington, D.C.: Social Policy Research Associates. A study of ten selected 2009 SCA sites, four state prison systems and six local correctional programs, describes educational and training programs and employment assistance provided released inmates. In all but one local jurisdiction, educational and training programs consisted of GED or basic education classes. Prerelease education and training and employment assistance was reported in three of ten sites, only one of which was a state prison system. Two of the sites provided education and training after release and eight of the ten sites provided some level of employment assistance after release, but only two of the four state programs did so. Post release work assistance utilized by released individuals included “work readiness,” resume development, and “proper” attire for interviews; see pages V-2, V-5 – V-7.

<sup>28</sup> The Department of Labor publishes descriptions of grants applied for and awarded, accompanied by an abstract of each proposal prepared by the applicant. For a list of the 17 grants totaling \$11.7 million awarded by the Department of Labor’s “Training to Work2” grant program for fiscal year 2013 reviewed for this paper, see: <http://webapps.dol.gov/DOLGrantData/KeywordSearch.aspx?parameter=SGA-DFA-PY-13-03B>.

A review of abstracts of each of the 17 funded proposals presents a mixed picture. The abstracts are undoubtedly aspirational. Most abstracts state the cost per participant, remarkably consistent at or slightly under \$8,000. About half the grant programs appear to provide services only after prisoners are released to half-way houses or parole supervision. The majority of abstracts describe vocational training in skills that the applicant has determined to be in demand; three or four programs indicate that the determination of job skills that are in demand are informed by local businesses. At least one abstract promises “industry-specific, customized training,” but the limit of training is suggested by the goal statement that such training will lead to “industry-recognized certificates.” The abstracts do not indicate the duration of vocational training. The majority of abstracts listed several specific, often wide-ranging categories of work for which training is to be provided and for which certificates are to be awarded. Typical job categories included: truck and fork-lift driving; welding; construction; light manufacturing; landscaping; food/hospitality management, automotive repair, and in one instance “RN License.”

Several abstracts indicate that inmates would be introduced only to general or “work force development” training or low-skilled work with a goal of helping the inmate establish employment “footholds.”

A few abstracts indicate that the applicant has a partnership or advisor arrangement with businesses, industries or unions, without specifying what the relationship would be in practice. One applicant asserted having a connection to “a number” of employers. More than half of the abstracts indicated undefined collaboration with community or technical colleges. Goal statements, however, indicate that only about half of the served population in each program was expected to participate in community or technical college class work. None of the abstracts suggest creation of a multi-semester curriculum designed to build proficiency in a new technology.

The list of grants and all 17 abstracts reviewed for this report may be downloaded from: <http://bit.ly/rwRLlrO>

The abstracts may not fully reveal the extent programs are collaborating with businesses or providing technologically relevant vocational training. See, Annysa Johnson, “New Community re-entry program for prisoners launches,” *Milwaukee Wisconsin Journal Sentinel* 22 October 2014 (accessed on line 23 October 2014 at <http://bit.ly/mHYq4P>), describing a Department of Labor grant to Word of Hope Ministries’ Home 2 Stay program to provide jail and federal half-way house inmates training in skills matched to the needs of employers, all in conjunction with a local Technical College to be followed up with “wrap around” services after release. The organization claims an 11% recidivism rate.

<sup>29</sup> Council on State Governments, *Report of the Re-Entry Policy Council* (2006) at p. 53.

<sup>30</sup> Lois M. Davis, Jennifer L. Steele, Robert Bozick, Malcolm V. Williams, Susan Turner, Jeremy N. V. Miles, Jessica Saunders, Paul S. Steinberg *How Effective is Correctional Education, and Where Do We Go From Here?* Rand Corporation (Pre-publication version, 2014) reporting that 32 out of 46 reporting states offer inmates adult secondary education, 32 out of 46 offer post-secondary educational and college courses, and 44 out of 46 reporting or 96% of all responding states offer vocational skills training, see Table 4.1 and text p. 67. See for similar but not comparable data, Doris Layton MacKenzie, “The Effectiveness of Corrections-Based Work and Academic and Vocational Education,” *op. cit.*, at pp. 4 – 5.

<sup>31</sup> *How Effective is Correctional Education, and Where Do We Go From Here?* *Op cit.*, at pp. 69 – 71. See also, The Continuing Corrections Costs in Corrections: Setting a New Course (Vera Institute of Justice October 2012), reporting that from FY 2010 to FY 2011 a total of 22 of 44 states which responded to an inquiry reported eliminating, decreasing funding for, or renegotiating down contracts for correctional programs, at p. 11.

<sup>32</sup> See footnote 28, *supra*.

<sup>33</sup> Governor Cuomo announced plans to fund college courses in prison in mid-February 2014 based on the Bard College model. Six weeks later the program had become so controversial that Governor Cuomo withdrew his proposal, Thomas Kaplan, “Cuomo Drops Plans to Use State Money to Pay for College Classes for Inmates,” *New York Times*, 2 April 2014. at <http://nyti.ms/Z3TtZl>

<sup>34</sup> Businesses bears much of the cost, not only the direct expenses such as equipment, instruction, meeting space and travel, but indirect costs such as employee days off from work, on-the-job supervision and the interval before a new worker learns to do a job efficiently and starts to add to the company’s profit line. Other costs are born by government (read, “taxpayers”) which funds secondary education, vocational training at all levels, community colleges and state universities housing research centers and schools of agriculture, hotel management, and computer science. Federal government awards grants for training through the Small Business Administration and the Department of Agriculture. Local governments award training grants to businesses in financially-distressed sections of a city, such as Chicago, out of a local Tax Increment Financing assistance program (TIF), see Louis Sarmiento, *Government Incentives for Hiring Returning Prisoners* (Northwestern Law – Bluhm Legal Clinic 8 March 2011) at p. 11 – 13. [http://www.law.northwestern.edu/legalclinic/prison/documents/Government\\_Sarmiento.pdf](http://www.law.northwestern.edu/legalclinic/prison/documents/Government_Sarmiento.pdf) Additional training costs are born by trade unions, which teach their members job skills. Employees and the unemployed alike bear much of the costs of their own training, albeit with government sharing costs through Pell Grants, the G. I. Bill, education and technical training for military service members who take skills back to civilian life, and even survivors’ Social Security benefits.

<sup>35</sup> The concept of “shared costs” was broached by the Council of State Governments in *Report of the Re-Entry Policy Council*, *op. cit.*, which, however, described cost sharing among state and local agencies, the federal government, private foundations and through the use of volunteers, but not with private business; *op. cit.* at pp. 66 – 84.

<sup>36</sup> Experts and criminal justice agencies have described a 50% reduction, which is envisioned for the future in this paper, as both achievable and necessary. See, James Austin, *Reducing America’s Correctional Populations: A Strategic Plan* (Justice Research and Statistics Association, 2010) at p. 4; Austin’s paper was produced for the Norval Morris Project at the National Institute of Corrections which in 2008 announced the goal of reducing America’s prison population by half, see: <http://nicic.gov/populationreduction>. And see, Todd R. Clear & James R. Austin, “Reducing Mass Incarceration: Implications of the Iron Law of Prison Populations” *Harvard Law and Policy Review* (22 July 2009) p. 901-918. JustLeadershipUSA is dedicated to “cutting the US prison population in half by 2030.” See, [www.justleadershipUSA.org](http://www.justleadershipUSA.org)

<sup>37</sup> New York City's non-profit Osborne Association leads the way with the purchase of a former prison for conversion to a reentry center for former prisoners, assisting with housing and employment issues, David Howard King "Can Empty Prisons be Repurposed to Help Ex-cons Reintegrate into Society?" *Gotham Gazette* 25 April 2014, accessed at <http://bit.ly/1slqO8v>

<sup>38</sup> In the future, localities may draw upon a richer stream of community development funding and Tax Incentive Funds (TIF) than at present, see Malcolm C. Young, *Alternative Strategies for Funding Employment-Related Reentry Programs* (Northwestern Law – Bluhm Legal Clinic, 18 May 2011) at p. 8. In 2010 the federal government disbursed more than \$43.89 billion dollars for community-development related projects through five federal agencies; a 1% or \$438.89 million allocation to support prison reentry would have more than doubled the amount of grants awarded through the Second Chance Act and Department of Labor. Accessible at: <http://www.law.northwestern.edu/legalclinic/prison/documents/AlternativeFundingStrategies.pdf>

<sup>39</sup> Doris MacKenzie, "The Effectiveness of Corrections-Based Work and Academic and Vocational Education" op. cit., at pp. 24-25.

<sup>40</sup> *A Reentry Education Model: Supporting Education and Career Advancement for Low-Skill Individuals in Corrections* op. cit., recommending cognitive-based skills instruction as a first part of an education and workforce training program "offered as a separate class," at pp. 6-8. (Doris MacKenzie was one of several advisors to the project leading to this publication).

<sup>41</sup> *A Reentry Education Model: Supporting Education and Career Advancement for Low-Skill Individuals in Corrections*, op. cit., at p. 7. NOTE: Ultimately, the partnerships between corrections and business will be stronger and more contractual than the "alignment" proposed in this report; unions, some of which have strong traditions of training in needed skills, will likely play a role in the decreasing number of jurisdictions in which they remain strong. See for a different potential role for organized labor, see section 7 of this paper at page 13, *infra*.

<sup>42</sup> Sven Böll, "Skill Gap vs. Vocational Taboo" *The Wall Street Journal* September 12, 2014 p. A2, reporting a current lack of interest in German-styled apprenticeship programs among American firms.

<sup>43</sup> I and others have argued that private prison industries are extremely underutilized, a "tremendous untapped resource" of employment-related re-entry programming. Unfortunately, private prison industries in the Kansas model are widely confused with traditional low-paying, low-skills prison industries which substitutes an inmate's nearly-free labor for paid labor, Malcolm C. Young, *Alternative Strategies for Funding Employment-Related Reentry Programs* (Northwestern Law – Bluhm Legal Clinic, 18 May 2011) at pp.10 – 14; may be accessed at: <http://www.law.northwestern.edu/legalclinic/prison/documents/AlternativeFundingStrategies.pdf>

<sup>44</sup> Braun's unique career as a Harvard MBA-trained venture capitalist dedicated to financing businesses that agree to employ prison inmates has been documented in numerous publications, including: Herbert G. Callison, *Zephyr Products: The Story of an Inmate-staffed Business*, (American Correctional Association 1989); pp. 38 ff; Jack Quarter, *Beyond the Bottom Line: Socially Innovative Business Owners* (Praeger, 2000) at pp. 135 – 142, 176. Braun, operating through the non-profit Workman Fund, derived no personal gain from the enterprises.

<sup>45</sup> Braun's Kansas program embodied six elements of an effective prison work program described by Pat Nolan when President of Justice Fellowship: to teach inmates their responsibilities at employees; give them jobs that mirrored actual jobs in the real world; pay inmates "viable" wages; pay restitution to known victims; teach skills that will be in demand when the inmates are released; and, teach inmates to be honest. *Testimony of Pat Nolan, President of Justice Fellowship Before the Subcommittee on Oversight and Investigations Committee on Education and the Workforce U.S. House of Representatives on Prison Industry Programs* August 5, 1998. "The jobs should mirror actual jobs in the real world as closely as possible. To prepare inmates for jobs in the private sector, they must develop a sense of responsiveness to their customers' needs and the market mechanisms for determining price." Accessed at <http://1.usa.gov/1seooKy>

<sup>46</sup> I was told that prior to the recession, outside firms hired welders in advance of their release because of the company's reputation; other firms' inmate employees were said to be successful in obtaining work. Braun kept his own data, from which he reported a return rate of all successful employees of just under 40% cumulative over 29 years for all released employees, *Alternative Strategies for Funding Employment-Related Reentry Programming*, op. cit., at p. 12.

<sup>47</sup> For a description of Kansas Private Prison Industries, see *Alternative Strategies for Funding Employment-Related Reentry Programs*, op. cit.

<sup>48</sup> See, Kansas Department of Corrections program description which itemizes deductions taken from Kansas Prison Industry's inmate's wages, accessible at: <http://www.doc.ks.gov/facilities/lcf/programs/private>

<sup>49</sup> For the first single serious attempt to quantify costs and benefits of the PIE program, including projections of potential benefits of program expansion, see Thomas W. Petersik, Tapan. K. Kayak, and M. Katie Foreman, *Identifying Beneficiaries of PIE Inmate Incomes: Who Benefits from Wage Earnings of Inmates Working in the Prison Industry Enhancement (PIE) Program?* George

Washington Center for Economic Research for the National Correctional Industries Association (NCIA) (July 2003). Available from the National Institute of Corrections at: <http://bit.ly/iwBzQwi>

<sup>50</sup> See, David Rubin, *Connecting Inmates to Jobs: Illinois Department of Corrections Develops a Model for Successful Employment Reentry*, Northwestern Law - Bluhm Legal Clinic (8 March 2011) May be downloaded from: [http://www.law.northwestern.edu/legalclinic/prison/documents/Connecting\\_Rubin.pdf](http://www.law.northwestern.edu/legalclinic/prison/documents/Connecting_Rubin.pdf)

The MINER program was unsuccessfully submitted for Second Chance Act funding. Reasons given for denial were the significant costs for purchase of equipment, necessitated because the grant application time line prevented state budgeting approval for capital purchases. An artificially-compressed grant period also worked against the multi-semester training program required to complete certification, an example of counterproductive government and non-profit-informed requirements working against the kind of programming that business and educational professionals believe necessary to train a technologically-capable work force.

<sup>51</sup> Prior to the Department employee making the connection with the “clean coal” industry, my students and I attempted to find potential employees among one or more of the many new, widely-publicized “green energy” industries in Illinois. From our shoe-leather investigation, we learned that most “green energy” companies in Illinois were small operations and not hiring; in a further disappointment we learned that the nascent urban farming movement in Illinois was not yet profitable. The many Chicago farmer’s markets and jobs were subsidized; hiring returning prisoners would only displace city residents equally in need of training and employment. It remains unclear if and when the “farm-to-table” industry will be supporting unsubsidized, for-profit business models; see Bren Smith, “Don’t Let Your Children Grow Up to be Farmers,” *The New York Times Sunday Review* (August 10) p. SR5; available at: <http://nyti.ms/iKACaf>

<sup>52</sup> Even in indeterminate sentencing and parole states, prison officials know the earliest possible or like release date; successful participation in a program combined with the promise of employment increases a given prisoner’s chances of release at the first parole hearing.

<sup>53</sup> The other organization closed down for unrelated reasons and the program ended. Source: observations at Sheridan Correctional Facility in 2010; email from Jonathan Brereton, Accion’s Executive Director, dated 23 October 2014.

<sup>54</sup> Roy Chilson is CEO of Treadstar Communications, Charlottesville, Virginia, a web design, sale and marketing firm; see, <http://treadstar.com/>.

<sup>55</sup> Tom Carter, Mark Hedin and Geoff Link, “Tax-break Tech Hiring a Bust in San Francisco’s Tenderloin,” *New American Media* online 15 September 2014. High tech companies who received tax breaks for the purpose claimed they could not find qualified tech workers in disadvantaged neighborhoods, shifted strategy to providing training, internships coupled with yearlong and college course work “in the hopes that one day they can be part of a tech workforce from the inner city;” accessed at <http://bit.ly/i0PHla5>.

<sup>56</sup> See, Brynjolfsson and McAfee, “Jobs, Productivity and the Great Decoupling,” *supra* at footnote 3.

<sup>57</sup> Alex Helmick, “Thousands of Inmates Serve Time Fighting the West’s Forest Fires,” National Public Radio, 31 July 2014; accessed 5 October 2014 at <http://n.pr/yFTKkT>. Nate Rawlings, “California’s Prison Problems Won’t Extinguish Inmate Firefighters,” *Time* online August 21, 2013; accessed 5 October 2014 at <http://ti.me/iwHQM48>. The imperfection in the model is that while inmates are trained to perform the same tasks as professional firefighters, they are paid a token \$2 daily for their work.

<sup>58</sup> Lynda Gratton, *The Key: How Corporations Succeed by Solving the World’s Toughest Problems* (1 May 2014), as reviewed.

<sup>59</sup> There are numerous examples of firm committed to hiring employees overcoming substance abuse and returning from prison; see for example CleanTurn, a grounds maintenance, demolition, and general construction firm in Columbus, Ohio, at <http://www.cleanturn.org/>. To transition to a future world of work, these companies and their employees will need to increase technological competence on a pace equal to the demands of the workplace.

<sup>60</sup> Jane Merkel, “Try a D. I. Y. Fix for Public Housing,” *The New York Times*, 16 September 2014 at p. A27; accessible on 14 October 2014 at: <http://nyti.ms/i09IrNn>

<sup>61</sup> An estimated 11.7 million people were admitted to jails in the 12 months preceding 30 June 2012, Todd D. Minton and Daniela Golinelli, *Jail Inmates at Midyear 2013 - Statistical Tables* (Bureau of Justice Statistics, United States Department of Justice, May 2014 as revised August 12, 2014.) Jail populations decreased slightly, so releases at least equaled admissions. However, releases include some large portion of the approximately 577,000 state prison admissions (See, *Prisoners in 2013*, Bureau of Justice Statistics, United States Department of Justice September 2014, at p. 10, Table 9) who were technically released from jail but transferred to prison following conviction, so the 11 million figure is conservatively more accurate.

<sup>62</sup>The context will be different than for returning prisoners, of course: jail inmates are typically in custody for shorter and less predictable time frames than prisoners, so long term programming needs be provided in the community. But success, in the jail context as for returning prisoners, will come with programming that is community-focused and aligned with the needs of local businesses and industry.

<sup>63</sup> “65 MILLION “NEED NOT APPLY” The Case for Reforming Criminal Background Checks for Employment, op. cit.

<sup>64</sup> Lauren E. Glaze & Erinn J. Heberman, *Correctional Populations in the United States, 2012* (Bureau of Justice Statistics, U. S. Department of Justice, December 2013) p. 3, Table 2.

<sup>65</sup> *From Prison to Work: The Employment Dimensions of Prisoner Reentry - A Report of the Reentry Roundtable*, op. cit., at p. 13. Eric Cadora, founder of the Justice Mapping Center, first graphically documented the concentration of persons under correctional control in a relatively few neighborhoods and on “million dollar blocks;” work and publications at <http://www.justicemapping.org/home/>

<sup>66</sup> Richard Florida, “Mapping Three Decades of Rising Income Inequality, State by State,” op. cit. at footnote 5, supra.

<sup>67</sup> Harold Meyerson, “The Seeds of a New Labor Movement,” *American Prospect* (Fall 2014), describing the organizing efforts of David Rolf, an SIEU organizer currently establishing the new “Workers Lab” housed at the Roosevelt Institute in New York, of Aijen Poo, founder and director of the National Domestic Workers Alliance, and of Bhairavi Desai who organized New York cab drivers into the National Taxi Workers Alliance, among others. My text quotes Rolf’s description of a new organizing strategy. NOTE: I am indebted to Eric Lotke at SIEU for this reference and insight into a possible alternative structure and mission for organized labor.

<sup>68</sup> As just a hint of what may be possible: in 2012 the New York Taxi Alliance obtained an agreement from the taxi commission to set aside a portion of each collected fare to fund a supplemental health and disability fund partially covering driver’s dental and vision care, “The Seeds of the New Labor Movement,” op. cit.