

*Tomášek, Jan et al.*

## **Zaměstnání jako faktor desistence**

### **Employment as a Factor of Desistance**

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#### ***Summary***

This publication summarises the findings of a research project examining the role of employment in the process of ending a criminal career. The incentive for the realisation of the project was an offer of cooperation from the RUBIKON Centre, a non-profit organisation that provides people with a criminal history with job and debt counselling, as well as intermediation services for jobseekers. It was agreed that the experience of clients and the impact of the project on their further criminal activity would be evaluated using standard research methods and techniques. This objective was supported by the Ministry of Justice of the Czech Republic, while the Czech Probation and Mediation Service also expressed its willingness to participate in the study. During the course of the project, the opportunity also arose to take part in the activity of a working group dealing with the issue of employing people with a criminal history within the framework of the new Prison Service Strategy. As a result, an extensive questionnaire survey was conducted, which mapped the views and experiences of prison social workers, social curators, PMS office managers, staff at Labour Offices and the RUBIKON Centre.

Due to the focus of the project, both quantitative and qualitative methods were used. This involved an analysis of criminological literature and relevant documents, in-depth interviews, selected psycho-diagnostic techniques and, as already mentioned, an expert questionnaire survey. Descriptive statistics and qualitative content (narrative) analysis methods and techniques were used for data processing.

There are a number of reasons why we can expect a link between employment and desistance. Employment is a source of legal income, providing appropriate time structuring and socially constructive patterns of behaviour that an employed person normally encounters at the workplace, with exposure to natural and informal social controls. A significant factor may also be an increase in self-confidence or a reinforcement of belief in one's own abilities and skills through this newly acquired social status. Studies of criminal careers suggest that finding satisfactory employment can be a "turning point" that significantly contributes to

ending that career. At the same time, however, many studies show that this is not always a fixed and present link between cause and effect, as other factors also come into play, such as the age or personal attitude of the individual.

In criminological literature, we can find three basic theoretical models that try to illuminate the relationship between employment and desistance. The first works with the "turning point" hypothesis, in which finding employment is a breakthrough life event that acts as an external factor and has the potential to start the process of ending a criminal career. Another view is offered by theories in which change at individual level is crucial, as this creates the basic conditions for leaving behind a criminal lifestyle. Indeed, employment alone does not cause desistance unless the offender is personally determined to live according to the law. Therefore, we can see this as a factor that has the strong potential to maintain and strengthen the process of desistance, which has already begun on a subjective level. The third model then places employment on the level of the consequence, not the cause of desistance. The fact that an individual finds work is understood as the outcome of natural development, i.e. maturing and gradually "settling down". Compared to the previous concept, it sees the basic condition for successful entry onto the labour market in a more complex light. It is not just about psychological preparedness, but also more permanent changes on a behavioural level. Of these concrete theories, given the subject of our project, we considered the social control theory, the general theory of crime, the rational choice theory, the theory of cognitive transformation and the narrative theory as the most inspiring.

The effectiveness of the RUBIKON Centre programme was verified using the criterion of recidivism (a record of a further conviction in the Criminal Register after two years of the client's participation in the programme). The study sample (Group A) consisted of 44 people who joined the programme in January-June 2014 or who joined the programme at the end of 2013 and continued to participate during the aforementioned period. It is important to note that the RUBIKON Centre requires clients to meet certain conditions for inclusion in the programme, which are in themselves closely linked to the successful start and progress of the process of desistance. Its services are designed for clients who want to find stable employment and are motivated to resolve their indebtedness and other life problems. In fact, the programme is not offered to people who are not seeking stable employment, who want to work illegally or who are only seeking temporary jobs and are currently addicted to drugs or alcohol or who are gamblers.

For a certain comparison of results, we also created a second sample group of 83 PMS clients (Group B). When compiling this group, we proceeded on the basis of a combination of

demographic and criminological-criminal law elements, in which it was essential that the given individuals did not have stable employment during the reference period according to their supervising probation officer. However, a mutual comparison of the two samples showed that there were substantial differences between the groups in terms of parameters that can be considered directly related to the risk of recidivism based on criminological findings. Group B included younger individuals and, moreover, with a more extensive and longer criminal career, as well as its earlier onset. However, the difference in subsequent recidivism was unexpected. While the number of new convictions in Group A, composed of clients of the RUBIKON Centre, was only 11.4%, this was 97.6% in group B. Such a high rate of recidivism is also astounding compared to similar research conducted by the Institute of Criminology and Social Prevention in 2014.

In-depth interviews conducted with selected individuals from both of the aforementioned groups allowed a more detailed look at the process of desistance. We mainly focused on exploring the factors that promote successful desisters, as well as those that influence failing persisters. The central topic of research was employment, but due to the nature of the processes linked to the end of a criminal career, we examined this in the wider context of all the factors and elements involved. At the same time, we sought to map the role of general causality orientation and self-efficacy. A total of 22 respondents, nine from group A and 12 from group B, participated in this research. The key method for data collection was a semi-structured interview inspired by the TOBI method. A psychological battery was also prepared using the Life Lines projective method, the DOVE evaluation scale and a questionnaire of general causality orientation.

In terms of the motives of crime, narratives of desisters indicated three main groups, namely an association with substance abuse or gambling, the possibility of quick and simple enrichment, and the inability to handle psychological pressure caused by external circumstances. However, in contrast, when talking about ending their criminal career, desisters spoke of reaching their limits or boundaries, maturing, fatigue, disgust at the situation or environment in which they found themselves, but also the fear of psychological problems caused by the use of addictive substances. Significant life events were also mentioned, namely entering into a stable relationship or the birth of a child, but also being arrested by the police or the commencement of a prison sentence. Positive factors such as abstinence, help from the non-profit sector, the support of family and friends, leaving behind relationships with delinquent individuals, cognitive changes in the sense of a new view of their former behaviour or newly acquired abilities to cope with problematic or conflicting

situations also positively influenced desistance. On the other hand, jeopardising elements were drugs and psychiatric difficulties, in some cases also inadequate support from family and friends or unfavourable living conditions. Desisters mainly saw debts and related debt enforcement procedures as a major obstacle to a future life without crime.

Research has shown that although we understand persisters as individuals continuing in their criminal career, there are episodes in their lives in which they do not offend. Moreover, as our interviews showed, they also coincide with desisters in a certain basic openness to change that the theory of cognitive transformation sees as a prerequisite for the successful end of a criminal career. In both groups, it was possible to identify recurring motives for decisions that they no longer want to repeat criminal or other problematic behaviour. All respondents also expressed dissatisfaction with their current situation and wished to change their current status quo. Motives were mainly based on maturing or aging, realising the pros and cons a criminal lifestyle brings, but also the fear of returning to prison. Persisters were able to identify the main risk factors or obstacles that prevent them from desistance. This was mainly different types of addictions, a lack of skills or individual character flaws, the negative influence of friends and peers, stress and crisis situations, as well as unpreparedness to cope with the demands of everyday life after being released from prison. We focused particular attention on coping strategies, i.e. the ability of desisters and persisters to initiate and manage their actions leading to the fulfilment of personal goals. Persisters admitted that in times of trouble or if they had problems where they felt pressured, they often chose strategies such as denial or escape from these difficulties. It should not be overlooked, however, that as with desisters, we could see some shift in their view of their own behaviour. Thus, although they were aware of their difficulties, they still chose “a simpler path”.

The assumption that employment is a significant factor in desistance was confirmed in the interviews. However, we need to understand it as a supporting factor, i.e. an element that does not in itself cause an individual to change, but if one is determined and willing to take the necessary steps, it is essentially a prerequisite for this process as it represents a significant protective factor. In addition to legal income, the benefits include aspects such as increased self-confidence, greater belief in one's own abilities, or the feeling an individual is returning to society and is accepted by its members. Employment is also of indisputable importance in terms of establishing social contacts with the non-criminal population. Persisters' experience, however, shows that the problem is often not finding a job but rather keeping it. The loss of employment is then associated with frustration and an inability to repay debts or to cover

everyday living costs, whereby crime often appears to be a more accessible source of funds in such a situation.

Within the framework of the expert questionnaire, we were able to map the views and experiences of 80 prison social workers, 153 Labour Office employees, 40 PMS office managers and 126 social curators. Given the requirement of the cooperating institutions, we focused on the area of employing individuals released from prison. The experience of our respondents indicates that only a few of these individuals have a real interest in finding a permanent and legal job. In fact, most experts believe this is not even half of released prisoners, with social curators expressing the least real interest in employment by these individuals and probation officers the highest.

Convicted offenders can express an interest in finding legal employment after release during their actual term of imprisonment. Prison social workers most often encounter an interest in enrolling in retraining courses or the desire to find out what vacancies are currently available on the labour market. Less often, prisoners try to contact their former employer, and in a few exceptional cases are interested in the possibility of retraining after their release.

In terms of the obstacles faced by released prisoners in their search for employment, all groups of experts consistently identified their record in the Criminal Register as the most serious obstacle. They also attach great importance to debts and debt enforcement proceedings that often reduce the motivation of released prisoners to seek legal work. Given that the minimum wage is similar to the amount of social benefits, they often choose to combine drawing these benefits with "moonlighting" or go straight back to criminal activity. A limiting factor for many released prisoners is also their inadequate work habits, a lack of qualifications, a lack of education and practice or an unwillingness to work. In some cases, housing and unsatisfactory family support are problems of growing importance that are largely accentuated by social curators. A smaller percentage of released prisoners are limited by shortcomings in social communication, the use or abuse of drugs, distrust towards institutions or health problems in their search for a job. Other obstacles or problems mentioned in additional comments included unrealistic perceptions of their own skills and their possible salary, financial illiteracy, a lack of independence, an inadequate sense of duty, financial pressure in the first month after release, stigmatisation and prejudice by employers, and also difficulty commuting to work in some regions.

We asked Labour Office employees whether individuals released from prison differed from other jobseekers. Their responses were not clear-cut, as 42% saw significant differences, while 50% did not. We also asked social curators the same question. In their case, 94% were

aware of significant differences, which in addition to their criminal history, are particularly associated with a lack of work habits, frequent indebtedness, certain personality traits, a lack of personal support or low education and qualifications. It is clear that a record in the Criminal Register is by no means the only complication for jobseekers coming to the labour market after serving a prison sentence.

On the other hand, a record in the Criminal Register is the most frequent real reason why, according to experts, employers reject candidates who have been released from prison. In their opinion, concerns regarding possible problems, the employer's distrust, a lack of work habits, an unwillingness to work or the unreliability of the individual are of less importance. Thus, a record in the Register seems to be perceived as a certain official certificate of criminal activity, which subsequently plays a discriminatory role. Employers often resort to a universal and problem-free solution where the requirement of a clean criminal record can prevent potential difficulties with a given candidate.

Preparation of the released prisoner for entry onto the labour market is thus important while serving still the prison sentence itself. A relatively large proportion of respondents were reluctant to say to what extent Czech prisons fulfil this role. The opinions of the remaining respondents were more or less evenly divided between positive and negative assessments. In free comments, they had the opportunity to make their own suggestions on how the current system could be improved. The most frequent recommendations were increasing the rate of employment in prison by expanding the range of retraining courses and fields of education, intensifying cooperation with government and non-government support organisations and employers, increasing the motivation of prisoners (by increasing financial rewards for the performance of work during their sentence), developing special courses or programmes aimed at teaching the necessary skills and ensuring the smooth transition from prison to employment and daily life.

The Labour Office plays an important role in the employment of released prisoners. As with the issue of prisons, many respondents were unwilling to judge the degree to which it fulfils this role. We can probably understand this as a sign of weaker feedback or less mutual awareness of the activities of individual institutions involved in the whole system. However, social curators were the most critical of the work of the Labour Office, while positive and negative assessments among prison social workers and the managers of PMS offices were evident in more or less equal measure. In additional comments, recommendations were primarily aimed at Office staff taking a more individualised approach to candidates released from prison, in the spirit of more specific social work. It is also important to create enough

adequate jobs for this group of clients, which could be achieved by increasing incentives for employers.

According to Labour Office employees, several measures that are currently used in relation to released prisoners as part of active employment policy can be identified as effective. The most effective in this sense is service for community, but “socially meaningful jobs” and retraining are also important, especially if linked to the promise of employment by a particular employer. In contrast, subsidies for conduction of business are of little import, because it is very difficult for a candidate with a record in the Criminal Register to obtain a trade licence. Subsidised jobs also play an important role in the system. Most Labour Office employees have had positive experience with them. With regard to their own recommendations for the improvement of current practice, Labour Office employees principally propose increasing the incentive for employers through various benefits (either by increasing the contribution for subsidised jobs or through tax cuts for employers), adjusting the conditions for using active employment policy instruments (especially by eliminating the condition for the duration of registration and its replacement with a criterion based on the fact this concerns a candidate who has been released from prison), widening the range of job opportunities, simplifying administration, as well as more specialised care for released prisoners, for example through mentoring.

A number of interesting suggestions were made on the basis of the last question of our questionnaire asking respondents to formulate concrete measures that would help improve the effectiveness of employment policy for released prisoners. Most respondents did. Often, proposals were aimed at improving the efficiency of the system for preparing prisoners for a return to normal life during their prison sentence, increasing the rate of employment in prisons (also on the basis of higher financial rewards), improving the range of retraining, education and advisory services, spotting specific job offers and employers who can offer released prisoners jobs or the introduction of quotas for employers and state-owned enterprises (an obligation to employ a certain number of released prisoners). Many respondents believe that released prisoners cannot do without specialised and individual support, which should ideally take the form of half-way houses, curator houses, probation houses or sheltered workshops. The principles of mentoring, which some respondents see as a way of providing the necessary help, but also monitoring released prisoners, can also be applied. Cooperation and networking among stakeholders, including non-profit organisations, needs to be improved and intensified, which could be achieved by, among other things, regular meetings of employees from the Labour Office, prisons, probation officers and social curators. Special attention, according to

experts, needs to be devoted to cooperation with employers, as well as education of the public.

Experts are aware that the decisive factor for success on the labour market is usually the candidate's own motivation. Therefore, the state should also change the system of social benefits and financial evaluation of labour in the sense of increasing the minimum wage and reducing social benefits. According to some respondents, recipients of these benefits should be obliged to work (service for community), while those who refuse should have their benefits reduced or even totally removed. This, according to some experts, would also strengthen the released prisoner's belief that it is better to work. However, it is not possible to overlook the objective state of emergency in which some released prisoners find themselves immediately after leaving the prison gates. In this context, social curators, in particular, refer to the unfavourable situation regarding the extraordinary immediate assistance benefits which are in the competence of the Labour Office, and which the social curator, who knows the client and his circumstances well, cannot provide.

The subject of indebtedness and debt enforcement policy has been extensively mentioned, as these are issues that make the employment of individuals released from prison significantly more complicated. Due to debt enforcement proceedings, some released prisoners deliberately avoid legal work because they face high wage deductions. A number of respondents therefore proposed that a specific adaptation of relevant enforcement procedures be developed for this group of people, in particular in terms of adapting to the individual's financial possibilities or arranging repayments calendars. For some professions, respondents feel it would be worth considering regulating the requirement for a candidate to have a clean criminal record, and amending recommendations and conditions for applying some active employment policy instruments, particularly so that released prisoners can work immediately after serving their sentence. This could lead to the elimination of the condition for the duration of registration and the possibility of posting immediately after registration as a jobseeker.

A similar questionnaire was also completed by 12 RUBIKON Centre employees, who provide the programme evaluated in our research. They basically agreed with the other experts in their opinions and recommendations. However, their view provided a slightly different perspective on the obstacles facing released prisoners. Naturally, this was a more in-depth insight, perceived from the position of the released prisoner. However, the employees of this non-profit organisation see the way to a more effective solution in the creation of a comprehensive system of assistance and support, not just immediately after release, but in the form of continuous training and preparation while offenders are still in prison.



Our research confirmed that employment is of extraordinary importance for reflection on the factors leading to desistance. Helping to find people with a criminal history employment is undoubtedly one of the fundamental objectives of not only criminal, but also general social policy. At the same time, however, this is not just an objective, but also a means of effective intervention to reduce recidivism. A satisfactory employment relationship can become the impulse to finding or strengthening a new, non-criminal identity. In fact, the motivation and attitude of the offender in relation to offered job opportunities is so important that the relationship between employment and desistance does not work on the principle of cause and effect, but is much more complex.

Translated by: Presto