

# Education and Training for the Recently Incarcerated



United Way of Olmsted County  
903 W. Center Street, Suite 100  
Rochester, MN 55902  
507-287-2000

## Definitions

Individuals who have previously been incarcerated are those who have spent time in either prison or jail. The main difference between jail and prison is the length of the sentences served by inmates, with prison reserved for longer sentences. Jails tend to be run by local law enforcement, and are designed to hold inmates awaiting trial or serving a short sentence. Prisons can be run under either state or federal jurisdiction, and are designed to hold individuals convicted of more serious crimes (typically felonies). Federal facilities house inmates who have violated federal crimes, which tend to be nonviolent in nature<sup>1</sup>. As such, state prisons proportionately house more violent felons and see more inmate-on-inmate violence (O'Donnell, 2004). Olmsted County houses a jail (the Adult Detention Center) that is run by the Sheriff's office. The nearest state prison is in Red Wing, and there are federal facilities in Waseca and Duluth. Rochester also houses a federal medical center, which provides medical services to inmates from other facilities and houses inmates requiring specialized or long-term medical or mental health care.

Felonies are crimes which can be punished by death or imprisonment in excess of one year. An individual who has committed a felony is a felon, and an individual convicted of a felony is a convict. Ex-prisoners are individuals who have served time in prison. Felons serve their sentences via probation or prison time, so not all felons are ex-prisoners. The term ex-convict is used synonymously with both convict and ex-prisoner, although the two terms are not actually synonymous with one another. Felonies include but are not limited to actions that result in death or serious injury<sup>2</sup>, damage to personal property<sup>3</sup>, various kinds of fraud<sup>4</sup>, and threats<sup>5</sup>. Drug possession, manufacture, and sales can also be felonious, depending on type and quantity. Each state is able to classify felonies according to seriousness, and modify penalties accordingly. Many states (including Minnesota) have either abolished capital punishment or choose not to use it, but the death penalty remains in effect for federal crimes.

## Barriers

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<sup>1</sup> Examples include mail fraud, child pornography, credit card fraud, tax evasion, identity theft, computer crimes, racketeering, counterfeiting, espionage, wiretapping, and art theft. (Potentially) violent federal crimes include hijacking, carjacking, kidnapping, and bank robbery. Murder and non-bank robberies are prosecuted at the state level.

<sup>2</sup> murder, assault, manslaughter, vehicular homicide, rape and sexual assault, child pornography, animal cruelty, kidnapping

<sup>3</sup> larceny, arson, burglary, vandalism

<sup>4</sup> tax evasion, computer hacking, perjury, check fraud, copyright infringement, forgery

<sup>5</sup> threatening an official, extortion, blackmail

Historically, before US independence, a felony was a crime punishable either by death or seizure of all personal property. The Fifth Amendment has protected citizens from property seizure by the US government since 1789, but the ethos of British law remains in that felons are unable to vote, are restricted in the jobs they can hold, and face barriers to property ownership. In Minnesota, felons may be prevented from taking out a mortgage (MN Legislature, 2008) and are barred from a number of professions<sup>6</sup>, many of which are high-paying. Felons are not permitted to hold most sorts of licenses needed to run or even participate in starting small businesses<sup>7</sup> (Minnesota State Law Library, 2017).

Attitudinal barriers make it difficult for felons to find employment even in fields that do not have state-mandated restrictions. In 2009, the state of Minnesota 'banned the box' for public positions, making it illegal for public employers to disqualify a person from employment or to deny them a license because of their criminal background unless it is directly related to the position. Minnesota expanded 'ban the box' to private employers in 2013, requiring employers wait to ask about criminal records or conducting criminal background checks until the applicant is selected for an interview. The penalty for violating this law is a fine of \$100-\$500 per violation, not to exceed \$2,000 in a calendar month (MN Department of Human Rights, 2017). Employers reserve the right to discriminate against individuals convicted of specific crimes, but this must be stated in the application and the crime must be relevant to the job in question.

Individuals with a felony on their record can't enlist in the military according to federal legal code, but they may apply for a 'moral character waiver' or 'conduct waiver' in order to skirt that policy. From among the armed forces, this practice is employed most by the Army. During times of war the number of waivers issued increases significantly, with over 10% of recruits receiving waivers in 2007 (Bender, 2007). As of 2017, over 70% of the population aged 17-24 do not meet fitness weight, and moral standards requirements, making this the smallest qualified recruitment pool in over a decade (Ferdinando, 2018). Coupled with a mandate to grow by 8,500 soldiers under the 2018 National Defense Reauthorization Act (Thornberry,

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<sup>6</sup> including insurances salesmen, nursing home staff, doctors, EMT and paramedic, chiropractor, nurse, speech-language pathologist, audiologist, occupational therapists and assistants, marriage therapists, morticians, dentists, veterinarians, school bus drivers, peace officers, and any human service job requiring a background check

<sup>7</sup> art dealing, manufacture and sales, breweries, tanning facilities, accountants, hotels/motels, liquor licenses, chain stores, agricultural products and licenses, sporting licenses, selling lottery tickets, and more

2017), it seems likely the practice of issuing waivers to felons will continue in the near future.

Felons can enroll in college but those convicted of sexual and drug offenses are ineligible for most forms of financial aid (US Department of Education, 2018). While currently-incarcerated individuals are eligible for financial aid, the federal government informs them that, “you can get [these grants] but you probably won’t because 1) schools have limited funds and 2) the logistical difficulties of performing a work-study job while incarcerated would likely be too great” (US Department of Education, 2018).

In Minnesota, landlords are allowed to discriminate against potential renters with a relevant history. Relevant histories include previous evictions, non-payment of rent, and violent crimes - many of which are felonies. Most landlords require that applicants disclose their conviction status, which includes both violent and non-violent crimes. Many activists consider this unfair discrimination against non-violent convicts. However, housing discrimination based on felony conviction is only legal if *all* felons are rejected housing - a landlord that accepts felons with non-violent crimes but rejects those with violent crimes is committing illegal discrimination. Consequently, felons find it exceedingly difficult to find housing in large apartment complexes. Many resort to living with friends and family, renting out individual rooms, or renting in small complexes. Individuals with criminal records are eligible for public housing and rent subsidies, but are subject to being waitlisted the same as all other applicants. In Olmsted County, the waitlists for public housing and Section 8 vouchers are so long that they are currently closed to new applicants (Olmsted County, 2018a, 2018b).

### **Statistics on Felons in Minnesota**

Local-level data on ex-convicts is exceedingly difficult to come by, as an individual’s status is only revealed through a background check and the census only counts current inmates, not ex-cons. Furthermore, the census counts institutionalized individuals as residents in location in which they are incarcerated, not as residents as their home. So while the 2010 Census listed 1,858 individuals (71% male) institutionalized in Olmsted County (US Census Bureau, 2010), not all of them originate from and/or are released into Olmsted County. The Federal Medical Center in particular houses a large number of individuals who were not from Olmsted County and will not be released here.

A number of reports have attempted to get more accurate counts of prison and ex-prisoner populations, largely driven by activist causes. A 2016 report

focused on disenfranchisement rates across states generated data tables based on numerous United States Department of Justice (DOJ) publications, including the annual *Sourcebook of Criminal Justice Statistics, Probation and Parole in the United States*, as well as the *Prisoners and Jail Inmates at Midyear* series. This report estimated that 1.5% of Minnesota’s voting-age population is disenfranchised due to conviction status. This includes approximately 11,000 prisoners, 8,000 parolees, and 43,000 individuals on felony probation spread across the state (Uggen, Larson, & Shannon, 2016). As voting rights in Minnesota are restored after prison, parole, and probation, this study did not give a count of ex-cons because it was not relevant to the argument the authors were building around disenfranchisement.

A 2017 study led by a University of Georgia sociologist<sup>8</sup> focused on the disenfranchisement of African-American adults in particular provided one of the most accurate counts of adults with felony convictions. As of 2010, approximately 1-2% of Minnesota’s voting-age population had been incarcerated at one time or another, while 7-8% of Minnesota’s African-American population had done so. Approximately 7-9% of Minnesota’s population had been charged with a felony, whether that sentence was served in prison or through probation. This was the case for 22-29% of the state’s African-American population. It was noted in the report that Minnesota’s policies strongly favor probation over prison, which likely results in the state’s very low rate of ex-prisoners (Shannon et al., 2017). As of 2016, the Minnesota Department of Corrections reported a current count of 10,144 incarcerated individuals and 19,692 on supervision (Minnesota Department of Corrections, 2016).

## **Outcomes**

Individuals who have previously been incarcerated demonstrate poor outcomes in the areas associated with the barriers discussed above. An additional outcome, which is the critical outcome for individuals who have been incarcerated, is recidivism. The chances of recidivism are highly dependent on successful outcomes in the other areas: employment, education, and housing. Poor outcomes in these areas are often attributed to moral deficiencies on the part of ex-cons, societal and institutional barriers that prevent successful re-entry, lack of a positive social environment upon release, or some combination therein.

## **Recidivism**

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<sup>8</sup> Professor Sarah Shannon, one of the three authors of the previous study.

The average national recidivism rate for released prisoners has been estimated between 43% (Pew Center on the States, 2011) and 68% (Durose, Cooper, & Snyder, 2014), depending on how recidivism is determined. For Minnesota State facilities, the 3-year adult felony recidivism rate is 36%, 69% of whom are re-incarcerated (Minnesota Department of Corrections, 2016). Nationally as well as in Minnesota, individuals originally incarcerated for property crimes are most likely to be returned to prison, and sex offenders are least likely (Minnesota Department of Corrections, 2016). While a large percentage of individuals are incarcerated on drug-related charges, same-crime recidivism is difficult to track because they may be re-incarcerated for reasons related to drugs (robbery, theft, or assault in the pursuit of drugs), but not necessarily for the sale or possession of drugs explicitly.

### **Employment Outcomes**

Recently incarcerated individuals have high rates of unemployment, but again, exact data is difficult to come by. One longitudinal study that had been collecting data for other purposes estimated that employment rates in any week averaged about 60% during the 1980s among all young men who had previously been incarcerated, and only about 45% among young black men. These estimates are about 20–25 percentage points lower than those of young men more broadly in the cohort (Freeman, 1992). Studies that rely on tax data or unemployment insurance data consistently report lower levels of employment and earnings than studies that rely on self-reported income and employment, indicating that many individuals with criminal records rely heavily on informal jobs that are not reported to the state, both before and after incarceration (Holzer, Raphael, & Stoll, 2003).

There have been many attempts to measure the impact of incarceration on income and employment. This has been done by comparing outcomes of incarcerated individuals to the outcomes of non-incarcerated individuals from similar education and demographic backgrounds. It has been found that earnings are reduced by 10-30% by a spell of incarceration, and employment decreased by 20-30% (Kling, 2003).

One survey found that only 30% of ex-convicts had found legal employment within two months of release. The most common source of income reported was family and friends, which was the case for 66% of respondents. Almost equal portions of respondents had informal work income (28%) and income from government programs, while only 2% reported income from illegal

activities<sup>9</sup>. The same study, at the eight-month mark, found that dependence on friends on family income had decreased significantly (to 48%), and that informal work became more common than legal employment (47% and 41%, respectively). By the eight-month mark, 6% of respondents were reporting income from illegal activities (Justice Policy Center, 2008).

## **Education Outcomes**

Approximately 70% of ex-prisoners are high school dropouts (Freeman, 1992). Due to barriers to financial aid mentioned above, many ex-prisoners are unable to continue in their education after release. However, many participate in educational opportunities while incarcerated. Statistics on the percentage of felons who continue in their studies after incarceration (as opposed to during) were unable to be found by this author.

## **Housing Outcomes**

Ex-convicts face multiple barriers to finding stable housing: lack of credit history, landlords who will not rent to felons, banks that will not issue mortgages to felons, and friends and family wishing to dissociate from the ex-convict refusing to provide shelter. Some researchers have argued that stable housing is the most pressing and immediate need of individuals wishing to reenter the community (Lutze, Rosky, & Hamilton, 2013; Metraux & Culhane, 2004; Roman & Travis, 2006), and parole officers cite housing as the biggest need for parolees (Petersilia, 2003). A handful of studies have shown high rates of shelter use (Metraux & Culhane, 2004) and housing instability (Geller & Marah A., 2011) among recently incarcerated individuals, as well as higher recidivism rates for ex-convicts lacking stable housing (Lutze et al., 2013). Again, local-level statistics on rates of homelessness and housing instability for ex-convicts are hard to come by locally, but one study of Michigan parolees in 2003 found that 90% of parolees moved at least once during the six-year observation period, and 9% experienced at least one bout of homeless<sup>10</sup> (Herbert, Morenoff, & Harding, 2015).

In a broad sense, homelessness contributes to the risk for incarceration, and incarceration contributes to higher risks of homelessness (Metraux, Roman, & Cho, 2008). Approximately 15% of jail inmates had been homeless in the year prior to their incarceration and 54% of homeless individuals report

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<sup>9</sup> Respondents could report more than one type of income.

<sup>10</sup> Again, each parolee could experience more than one type of event. In this same study, 30% of parolees spent time in a care or treatment facility, 36% went 'on the run' at least once, 47% returned to prison, and 65% changed private residences at least once.

spending time in a correctional facility at some point in their lives (Greenberg & Rosenheck, 2008).

## **Employment and Education as Interventions**

Both employment and education have been demonstrated to be powerful interventions to prevent recidivism among the recently incarcerated. So much so that facilities routinely provide services in both domains, report on outcomes, and treat both employment and education as 'tools in the toolbox,' for reducing recidivism.

In general, the more education an inmate receives while behind bars, the lower their individual chances of recidivism. Participation in any educational program reduces recidivism by 43% and while education and training programs have the most impact for individuals who arrive in prison with a high school diploma, they have positive effects for program participants from a wide variety of educational backgrounds (Davis, Bozik, Steele, Saunders, & Miles, 2013). Given that education is often crucial to landing a job, it is generally viewed that education's value lies in opening up opportunities at self-sufficiency for the recently incarcerated, although it has been posited that the link between education and recidivism may be due to selection effects (Chappell, 2004) or changes in self-esteem, future outlook, and attitudes towards incarceration (Winterfield, Laura, Coggeshall, Burke-Storer, Correa, & Tidd, 2009). Studies that attempt to control for employment and education attainment before incarceration continue to find that education impacts recidivism and other post-release outcomes, but to a lesser extent (Gaes, 2008).



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