

Educating and Employing Incarcerated Individuals is “Centsable”

April 5, 2005
Daniel Jovin

What is the purpose of incarceration? Is incarceration simply a form of punishing individuals in proportion to the harm that their actions have caused? Is it possible to move beyond a criminal justice system “...which holds that punishment ...allows society to vent its feelings of anger and disapproval”¹? Our response to those who violated the will of the majority as stated in laws enacted by an elected, representative body is frequently and unfortunately visceral.

In this article, I will attempt to bring to light that our current negative retribution approaches to criminal justice is less effective than competing models which include restitution in the form of victim compensation through employment and utilitarian which considers the employment, education, and training of inmates. Our initial reaction to the idea that we need to improve our current “hard on crime” retributive model is usually met with the objection that we must not become “soft on crime”. This article is not suggesting that we become “soft on crime” but realistically evaluate global trends that include the education, training, and employment of inmates. There are three reasons why we need to review and then change various aspects of the Bahamian criminal justice system.

First, there is ample evidence to suggest that as a society we cannot afford to continue to punish “only because we have the power to do so”. The problem with a “retributive only” model is that incarcerated individuals become members of the society again with the same insufficient education obtained prior to committing the crime, having made no compensation to the victim, no money or income potential, and essentially deemed an outcast, to some extent, in their social order. “According

to the Prison Reform Commission Report 2003, the recidivism rate in the Bahamas is appropriately 70% and the same proportion of the prison is functionally illiterate.”² Although definitive Bahamian statistics are unavailable, U.S. stats help to shed light on the education, recidivism, and incarceration connection. “In 1997, state prison inmates’ educational levels in the United States were: 14.2% had an 8th grade education or less; 28.9% had some high school education; 25.1% had a GED; 18.5% were high school graduates; 10.7% had some college education; and 2.7% were college graduates or had advanced degrees.”³ The statistical link between education and recidivism offers evidence that warrants a closer review of the effectiveness of our justice system.

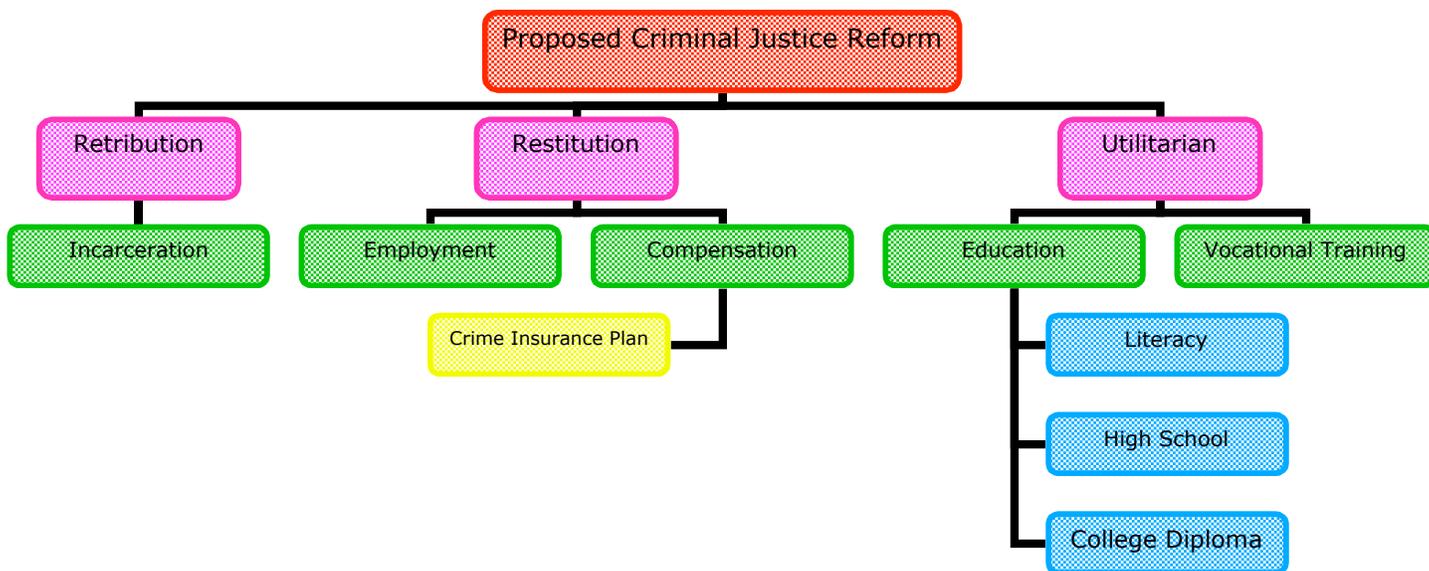
Second, we must not only review our justice system but be willing to apply a combination of retribution, restitution model of compensation via employment, and utilitarian model that will attempt to produce a “good” by means of education and vocation training. Post-incarcerated individuals need a stable bridge back into their communities. “The restitution model is ‘victim centered’ –it focuses on the harm done to the victim”.⁴ For example, restitution forms of sentencing require the offender to compensate the victims for the cost incurred in the delivery of medical care such as psychological counseling and / or bodily harm and the loss or destruction of property. In order to fully incorporate restitution in a criminal justice system, the employment of inmates is vital and necessary to generate the funds to compensate victims of crime. We must provide in prison factory assembly – style employment and establish a Crime Insurance Program (CIP) that “pays out” to victims of crime. Inmates should be required to work for the duration of their incarceration in order to “pay into” a CIP program. When employed, the inmates’ income can accomplish the following: 1/3 to compensate the victims for losses, save

1/3 to be given to the inmate upon release so that s/he has funds so they do not become a burden to society, and 1/3 for community service and crime prevention programs and / or used to pay for their in-prison educational or vocational training.

Law abiding victims should not be required to deal with the psychological and physical scares of crime without financial support of some kind. As a society, if we deny support to victims of crime, we are in essence creating a system of double victimization whereby we inadvertently suggest that no matter the trauma that one must simply "go on with life". Often criminals may take the life a father leaving a wife and children in socio-economic distress. We should feel obligated, as a society, to assist such a victim with at least counseling and rehabilitation. Likewise business owners should not be compelled to pass on the higher insurance premium cost to customers due to property damage caused by a criminal. Inmates should work and pay into a Crime Insurance Program in order to pay out or compensate victims of crime. Work is a daily fact of life for thousands of Bahamians and inmates should likewise be required to work six to eight hours per day until the age of 65 or to the point they are unable to do so due to health concerns.

Besides applying a restitution model through mandated employment, incarceration affords society a rare opportunity to institute a utilitarian model of criminal justice by providing education and vocational training programs. Imprisonment is the best time to captivate young minds, that have fallen through the cracks, through rigorous studies and vocational training (with some exceptions being made for the emotional imbalanced and those with learning disabilities). It should become standard procedure in Bahamian prison to demand each inmate to obtain a literacy certificate, high school diploma, vocational training diploma, and / or an associates or Bachelor degree at their own expense. We should go as far as

requiring formerly incarcerated individuals to continue their unfinished education as part of their conditional release from prison.



Third, as Bahamians we should consider the implementation of various proven approaches to criminal justice systems as adopted by numerous nation-states. For example, in the area of prison education programs, on October 13, 1989 at the 429th meeting of the ministers' deputies, the Committee of Ministers of the Council of Europe adopted "Education in Prison" recommendation No. R (89) 12. The recommendations included the following:

- " * All prisoners shall have access to education, which is envisaged as consisting of classroom subjects, vocational education, creative and cultural activities, physical education and sports, social education and library facilities;
- * Special attention should be given to those prisoners with particular difficulties and especially those with reading or writing problems;
- * Vocational education should aim at the wider development of the individual, as well as being sensitive to trends in the labour-market;"⁵

In the U.S., the state of Virginia's Department of Correctional Education has an excellent system that continues to transform the lives of inmates through comprehensive education and training programs. Further north, the state of Iowa's Private Industry Employment of Inmates is yet another example of proven criminal justice programs that merges retribution with other models. "Iowa is rated number one in the U.S. for private industry employment of inmates and some of the benefits of the program are as follows: financial benefit to inmate, inmate dependant, and the state; and low recidivism rates for formerly employed inmates."⁶ More examples can be found in the Correctional Services of Canada (CSC) which launched CORCAN Corporation in 1980 which "employs 1800 inmates and operates five main business lines including: Agribusiness, Construction, Manufacturing, Services and Textiles"⁷. It would be brilliant to amalgamate retribution, restitution, and utilitarian models.

As always, there are two sides to every coin. There are legitimate counter arguments to educating and employing inmates and establishing equitable restitution policies for victims such as pecuniary, moral dilemma of profiting from inmate labor, and safety concerns. Many may recommend that the education of inmates is a costly form of rewarding "bad behavior" or we should not spend precious tax dollars to educate and train the following individuals: death penalty inmates, pathological criminals in need psychiatric care, and inmates who will most likely die in prison due the length of their sentence. That objection can be remedied through a discriminatory triage process that will qualify certain individuals who are soon to be released for education and training.

The Bahamas should be able to implement as many of these recommendations as justifiably achievable from a budgetary and public safety standpoint. There is little question that we have a collective obligation to do more than maintain our

"retribution only" model of criminal justice but the essential question is: do we have a collective will to help disenfranchised inmates who will one day become dysfunctional members our society? We have much to gain, if we view incarceration as an opportunity to improve our commonwealth. Benjamin Disraeli's words best conclude this article, "In a progressive country change is constant; change is inevitable".

The views expressed are those of the author, and not necessarily those of the Nassau Institute (which has no corporate view), or its Advisers or Directors.

Daniel Jovin is a third year law student, educator, freelance writer, research and sustainable economic development analyst and education policy consultant. He has a degree in History / Legal Studies from Barry University. Mr. Jovin can be reached via email at: djovin_1@yahoo.com.

¹ Donald Hubin, "Combining Utilitarian and Retributive Theories of Punishment" April 11, 2005, <<http://people.cohums.ohio-state.edu/hubin1/ho/Retributive%20Punishment.pdf#search='retributive%20theories%20of%20punishment'>>.

² Amnesty International, "Bahamas Forgotten Detainees? Human Rights in Detention" 1 October 2003, 12 April 2005, < <http://web.amnesty.org/library/index/engamr140052003>>.

³ U.S. Department of Justice, Bureau of Justice Statistics, "NIFL Correctional Education Facts" 11 April 2005, <<http://www.nifl.gov/nifl/facts/correctional.html>>.

⁴ Donald Hubin, "The Restitutional Model of Criminal Justice", 11 April 2005, <<http://people.cohums.ohio-state.edu/hubin1/ho/Restitution.pdf>>.

⁵ Council of Europe, Legal Affairs, "Education in Prison", 11 April 2005, <http://www.epea.org/Images/Education_In_Prison.pdf>.

⁶ Iowa General Assembly, Legislative Service Bureau, "Private Industry Employment of Inmates Study Committee", January 1999, 13 April 2005, <<http://www.legis.state.ia.us/GA/77GA/Interim/1998/comminfo/inmate/final.htm>>.

⁷ John Howard Society of Alberta, "Inmate Industries", 1997, 13 April 2005,
<[http://www.johnhoward.ab.ca
/PUB/C37.htm#advan](http://www.johnhoward.ab.ca/PUB/C37.htm#advan)>.