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Employment of Ex-Offenders as a Restorative Practice

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Abstract

In this work I describe and discuss a proposed employment program for recently released ex-offenders, which comply with the fundamental principles of Restorative Justice. I define and differentiate the concepts of *release*, *reentry*, *rehabilitation*, and *reintegration*, and discuss the role that the rehabilitation of offenders plays under the three classical theories of criminal punishment: *retribution*, *deterrence*, and *reformation*. The concept of *Restorative Release* is then defined and discussed, and the basic characteristics that a reintegration program must have in order to be considered a restorative practice are exposed. Finally, I propose an employment program for ex-offenders, analyze if it fulfills the requirements necessary to be considered restorative, and expose the reasons why a program of this nature would be successful at achieving the ultimate goal of reintegration.

### Employment of Ex-Offenders as a Restorative Practice

“Criminological theories and commonsense understandings of crime and conformity underscore the importance of work as the setting for social reintegration. Individuals with a history of joblessness are at high risk for criminal involvement and locating stable, high-quality work can provide an important pathway out of crime” (Uggen, Wakefield & Western, 2005 p.211)

The release into society after spending years incarcerated is a difficult process that must be handled carefully. A lot is at risk at this point not only for the offender, who has to begin a new life, but also for the victims who might feel threatened by his release or suffer a sudden withdraw of any emotional progress that could have been achieved during this time. The same applies to the community where he will come back, where the level of insecurity and fear might increase.

One effective way of addressing this issue is by ensuring a job opportunity to those who are released into society so they can be capable to reintegrate into the community and with that avoid the recidivism that the victim and the community are afraid of. The reintegration of ex-offenders directly involves and affects all the parties classically considered by restorative justice as stakeholders in the crime. It provides an excellent opportunity to execute restorative practices aimed at ensuring a healthy reintegration and repairing the harm induced by the offense and its punishment.

Of great importance in this subject is to distinguish the usually confused concepts of *release*, *reentry*, *rehabilitation*, and *reintegration*. In Chapter I these concepts are defined, and I conclude that, from a restorative justice point of view, the ultimate goal after the release of the offender, is his complete reintegration into the community, which implies not only the rehabilitation of the offender and a commitment to not repeat his criminal practices, but also the community's acceptance of the person who is being reintegrated.

It is also important to understand the motivation that society has for supporting the reintegration of these individual, so in Chapter II I discuss the role that rehabilitation plays under different theories of criminal punishment. The classical theories of *retribution*, *deterrence*, and *reformation* are exposed, together with the intention behind the efforts to rehabilitate prisoners in each one of them. I also introduce a fourth line of thought on rehabilitation, which is based on a restorative approach. Chapter III defines the concept of *Restorative Release*, and explains what the characteristics of this process should be in order to comply with the principles of restorative justice.

The central part of this work is the proposal of an employment program for recently released offenders, which directly involves the members of the community into which the released prisoner is trying to be reintegrated. The program is presented in Chapter IV, and its main characteristic is to generate the instance for the offender to meet personally with community members, in order to discuss possible job opportunities for him. This provides a chance to humanize the released prisoner in front of the community by allowing him to offer his services and talents, and expose his will to become a positive

component of society. We also evaluate the restorative nature of the program by confirming that it fulfills the requirements previously exposed in Chapter III.

I end this work by presenting my conclusions on the subject of restorative release, and the positive role that an employment program designed as a restorative practice can have on the successful reintegration of ex-offenders.

### I. Release, Reentry, Rehabilitation, and Reintegration

Though similar, and sometimes even used indistinctively, the concepts of *release*, *reentry*, *rehabilitation*, and *reintegration* are different ones. When a prisoner is allowed to leave the place of confinement he is *released* into the community. As is defined by Black's Law Dictionary, release is "the action of freeing or the fact of being freed from restraint or confinement" (Gardner *et al.*, 2004 p. 1316)

*Reentry* is a similar concept, but one step further ahead. It is the process of entering into something the individual had left once before. After being released and leaving confinement, the ex-offender actively joins the community. Thompson (2008) defines reentry as "the process by which individuals return to communities from prison or jail custody" (p.1).

In this process millions of alternatives and different scenarios can develop. From committing a new crime immediately after leaving prison to successfully beginning a new style of life in which crime is left behind, infinite possibilities are available. As a society we are all concerned and interested that those who have chosen to commit crimes in the past leave behind their criminal history and reintegrate into society after serving their sentence. *Rehabilitation* captures our effort to achieve this goal. As it will be

explored further in this study, one of the theories of criminal punishment is the reformation of the criminal in order to make him capable of reintegrating our society. Black's Law Dictionary provides us with a concept of rehabilitation as "the process of seeking to improve a criminal's character and outlook so that he or she can function in society without committing other crimes" (Gardner *et al.*, 2004 p.1311). Some have called this process '*reformation*' but either concept relates to the same idea of a common effort of adapting the offender to reintegrate into the community in a positive way, with the final purpose of avoiding recidivism and therefore reaching social peace.

The final concept is *reintegration*, which is more than just joining the community, as in the act of *reentry*, or having the goal of successfully being part of the society, as expected by *rehabilitation* theories. To reintegrate means to integrate again into an entity, and to be able to integrate a whole it is necessary that the rest of the parts accept the one that was missing. To *integrate* as a general concept has been defined by Webster's International Dictionary as "to combine to form a more complete, harmonious or coordinated entity. To unite; to combine together; to incorporate." (Babcock *et al.*, 1966 p. 1174). By this definition it is clear that in order to achieve reintegration all of the parties that belong to the entity must be willing to transform into a new group that incorporates the incoming one. No matter how rehabilitated the offender is, if there is no intent on behalf of the community to take him back, no reintegration will take place.

Therefore an offender is initially released from prison, to later reenter society and if he has successfully been rehabilitated, it is more likely he will finally be accepted and

able to reintegrate into the community he once left. From a restorative justice approach, it is this reintegration what we aim to achieve.

## II. Punishment, Crime Prevention, and Rehabilitation

Rehabilitative practices aim to get ex-offenders to choose not to commit future crimes. This purpose can be achieved with different approaches, and for diverse reasons. To fully understand the role that rehabilitation plays in our criminal system we should begin by analyzing criminal punishment itself.

Ultimately what punishment seeks is to protect the community by preventing crime from taking place. Traditionally criminal justice has offered three theories to understand the nature of the criminal punishment of imprisonment: *retribution*, *deterrence* and *reformation*. Although retribution seeks to impose the criminal penalty for its own sake, both the reformation and the deterrence theories have a utilitarian approach under which the punishment is used as a means to an end: the community protection from crime. (Torcia, 1993) From each of these perspectives the reasons to spend our efforts and resources in rehabilitating these criminals are going to be different.

*Retribution* has a vindictive approach towards crime. The offender must pay for his actions and it is the duty of the government to make sure that this is done. Charles E. Torcia (1993) explains the origins of this theory: “Although, in the beginning, the perpetration of a cognizable harm led to private retaliation, the growth of the State, with its concomitant recognition of the social impact of the wrongdoing caused redress to assume a public character. The notion of public retaliation replaced that of private

vengeance. Punishment was imposed by the State but its philosophical thrust still implied vengeance.” (p.12)

The second theory is *deterrence*, which can be specific or general. *Specific deterrence* intends to convince a particular person, the offender himself, that he or she should not commit a crime. From this perspective, if we were to rehabilitate a prisoner it would be with the purpose of dissuading him from ever committing a crime again. A system based solely on this point of view would inflict as much pain and suffering as possible while imposing the sanction if it wants the offender to be ready to reenter society.

On the other hand, *general deterrence* aims to impose a sensation of fear on the rest of the community so that those who were planning on committing a crime feel deterred from doing so as they would receive the same punishment as the criminal who is being sanctioned. This system is based on exemplary sanctions that the rest of the people are able to verify, and the assumption that whoever sees what is actually done to those who commit crimes will decide not to do so.

The third theory is *reformation* or *rehabilitation* under which there is no attempt to intimidate the offender, but rather to install proper values and attitudes that will provide him with the means for leading a productive life. This new way of living will refrain him from crime in the future, and with that the end of crime prevention is reached. (Torcia, 1993)

In practice, these theories combine and subsist with one another, but a separate theoretical analysis would allow us to conclude the following. Under the traditional



theories of *deterrence* and *retribution*, imprisonment is imposed so the criminal and the community are deterred from committing future crimes and to vindicate the crime that has been caused to society. What he does after serving his sentence is not relevant and therefore, there is no rehabilitative goal for the state to take care of. Nevertheless, there is a public concern of doing something about this issue, so, what role does rehabilitation play? It is not a matter of justice, an end itself that the society aims to, but rather a matter of public policies to prevent future crime and lower the rates of recidivism.

On the other hand under a *reformation* theory, rehabilitation is the center and the whole purpose of the sanctioning. We want to prevent future crime by, one way or another, making the offender suitable to coexist with the rest of the community without putting them in danger. This kind of punishment is a means to achieve the end: social justice and peace.

### *A Restorative Justice Approach*

Is it possible to understand rehabilitation from a different perspective? Can we view it not only as a mechanism to prevent future crime but also as a justice action itself? Restorative justice offers a new view of justice and how it can be accomplished that might provide us with a different solution.

According to Harold Zehr (2002), one of the fathers of restorative justice, this philosophy is “a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible” (p. 37). The stakeholders in a crime are

the offender, the victim and the community. Zehr (1990) explains that the main principle of a restorative approach is to put right all the wrongs that have been caused by focusing on the needs and harms, addressing the obligations created by those harms, using inclusive processes and involving every stakeholder. Crime is a violation of people and relationships, and therefore can be addressed by repairing the harms that this violation has caused.

Under the traditional criminal justice scheme, crime has always been considered an action by which the offender breaks the law that the society has created. But restorative justice has never been satisfied with this perception of crime because it leaves the victim out of the picture, and because it does not focus and address the real conflicts and issues around crime. Justice revolves in a completely new direction. It is no longer understood as a negative thing that is done to the offender but rather a positive measure that is taken to meet the needs of the people that have been harmed by crime (Johnstone, 2004).

From this perspective it is totally coherent to define justice as a restoration of all the harms, including the one caused to the offender. Under this scheme, rehabilitation goes from being a means to being an end itself since the offender's reformation, when done with the purpose of achieving its reintegration, can be understood as an element of justice.

### III. Restorative Release

The release of the offender is one more step along the path of the criminal system's response, and therefore restorative justice should provide a solution to this phase based on the philosophy's principles. Bazemore and Erbe (2004) have called this process a '*restorative release*'.

Three core principles have been exposed by Van Ness and Strong (1997) as necessary to make a normative theory of restorative justice: repairing harm; stakeholder involvement; and the transformation of community and government roles in the response to crime. A restorative release theory is not the exception, and therefore in order to be an authentic restorative practice, it should follow these principles.

#### *Repairing the Harm of Crime*

The first of the core principles structured by Van Ness and Strong, but exposed by Zehr since the origins of this philosophy, is the idea of repairing the harm that has been caused by the crime. We must have in mind that there are three main stakeholders in this process, therefore it is not only the harm caused to the victim what has to be mended but also the harms inflicted to the community and the offender.

The victim's harms are, in most occasions, irreparable because there will be no means available that will be capable of taking back the crime committed. Having this in mind, what restorative justice aims is to do as much as possible to repair that damage. In this process we should start by avoiding the stereotype of victims as vengeful individuals who will only be satisfied with the punishment and pain of the offender. Not only should we leave that thought behind, but also we should be open to the idea of a victim who

could have a positive role in the reintegration of the offender. (Herman & Wasserman, 2001, as cited in Bazemore & Erbe, 2004).

After going through the pain and anguish caused by the crime, the criminal system offers the victim the opportunity of participating in a procedure in which the offender is held responsible, and a sentence is given to him to pay for the damage that has been inflicted. Ideally there would also be a restorative process in which the offender himself lets the victim know he understands he is accountable for the harm that has been caused. But maybe we can go even further and add a following step in which the victims can participate in the offender's process of reincorporation into society as a way of fulfilling their own needs.

Victims have a variety of needs that arise from the harm that they have suffered and some of them are related to the offender's reentry into the community. Recent studies show that some of the reasons why victims are willing to participate in restorative programs is in response to their concern of helping the offender to change their behavior (Umbreit, Coates & Vos, 2002), and because they want to prevent future crime (Umbreit, Coates, Vos & Brown, 2002). Both these motivations reflect the necessity this stakeholder feels of being incorporated in the release process. By accepting their participation they are being heard and their harms addressed.

The harm that has been caused affects not only the victim but also the community as a well. Restorative justice offers solutions to their sensation of insecurity and other problematic issues by promoting safer neighborhoods, accountability for the harm caused, and reducing the level of fear among other benefits. But for this to take place, a

restorative process must involve an active participation of citizens so they begin to take ownership and participate in the criminal process (Bazemore & Erbe, 2004). In the context of rehabilitation the community has a lot to offer, because it is the opportunities that its members are willing to give to these ex-offenders what will determine how well they will fit in once they are out.

The offender himself has also been harmed by the crime, only that in a different way. Shame, stigmatization, the emotional burden of the accountability for what he has done, and the punishment itself are some of the ways this stakeholder might have been hurt. Restorative justice may have a lot to offer on how to address and repair these harms, but it would necessarily require a previous step of accountability on the offender's behalf.

Based on current practice five possible dimensions for repairing the harm inflicted to all the stakeholders have been identified by Bazemore and Erbe (2004): compensation; stakeholder satisfaction; norm affirmation; relationship building; and crime prevention. The appeal and meaning of repair from a restorative justice point of view is related to the concept of '*social exchange*'. Unlike the traditional concept of rehabilitation in the correctional model a restorative approach "move(s) away from the principle of entitlement to the principle of social exchange" (Levrant *et al.* 1992. p. 22). The reciprocity among the stakeholders incorporates the victim and the community to the equation in a role that has been missing under the traditional criminal system. (e.g. Andrews & Bonta, 1994 as cited in Bazemore & Erbe, 2004)

### *Stakeholder Involvement*

From the principle of repairing harm flows the idea of stakeholder involvement, under which the victim and the community engage in an active commitment with the justice system collaborating as participants rather than passive spectators. Restorative justice revolves around the idea of finding a 'common ground' for all the stakeholders (Achilles & Zehr, 2001, as cited in Bazemore & Erbe, 2004). The interest and participation of the victim and the community in this process, instead of the passiveness of leaving it in the hands of the authorities as we are used to, situates them in this common ground.

This principle has the appeal of increasing the support and understanding from the community and victim towards the offender (Bazemore & Erbe, 2004). If we are expecting from the ex-offender to change his life in such a dramatic way, it is crucial for him to feel understood by the rest of the community.

Stakeholder involvement also expands the involvement of the community in other aspects of intervention (Bazemore & Erbe, 2004). It should be expected that once community members are heard and considered in one area of traditional state involvement, participation in other areas should grow.

This active engagement of community members should be especially important to the prevention of crime. Working with the community has the benefit of creating the instances to educate their members in a positive way rather than just spread fear as deterrence theories suggest. They will have the experience of personally interacting with the criminal system and of realize the difficulties ex-offenders have once they try to reintegrate after their release.

*Transformation in Community and Government Roles and Relationships*

Restorative justice challenges us to rethink the relative roles and responsibilities that the government and the community have in our society. There are some public concerns that the government takes care of and should continue on doing so, but others that the authorities intend to solve and simply do not do a good job at. (Bazemore & Erbe, 2004) Under these circumstances, it is clear that the state should pass their attributions to the community.

In promoting justice, the government has kept restrictively the function of preserving order and establishing peace, but this last one should pass to the community. (Van Ness & Strong, 1997). The community is well prepared to organize and confront the issue of social peace, without having to expect measures to be taken from an authority.

As Bazemore and Erbe (2004) have pointed out, community and state agencies should collaborate in an effort to co-produce safety for the community, peace and justice, by first healings the harms of crime in a restorative way.

*Goal: Reintegration*

The current structural and cultural configuration of rehabilitation programs and the social service organizations that provide them seems not to be promoting and developing the informal restorative support network in which the community itself carries on some of the roles that are necessary to reach justice. (Polk 2001, as cited in Bazemore & Erbe, 2004). If we want this structure to change, we must address the principles that lay behind the system. The three principles that have been exposed reflect

the restorative pillars able to transform any ordinary rehabilitation program into a restorative release that ultimately intends to reintegrate the ex-offender into society.

The final goal is not only to promote a restorative release program but also that reintegration is ultimately achieved. In order to produce a successful intervention Bazemore and Erbe (2004) have pointed out two necessary components.

First, offenders need some minimal level of human capital to develop positive relationships. As long as they have a minimal of skills that allow them to develop and maintain these relationships strong they will be able to stand for themselves and not depend on a serviced life (McKnight, 1995, as cited in Bazemore & Erbe, 2004).

Second, there must be a change in the context in which the ex-offenders are expected to develop assets. This aspect refers not only to the need that they build competencies but also of them being able to build and sustain connections in the community. If this intervention is done successfully, the offender should feel useful and belonging to the community.

#### IV. Employment of Ex-Offenders as a Restorative Practice

The release process is complex and there are several aspects that must be addressed in order to achieve a complete restorative release. There might be health or substance abuse issues to take care of and the necessity of an immediate housing solution could be crucial for those who do not have a place to go once they are released. But of these and other possible areas of interest, I have chosen to focus on the employment of ex-offenders to analyze its importance from a restorative point of view.



Employment programs have traditionally been implemented to confront the issue of recidivism among ex-offenders. As explained by Travis (2005) the rationale behind this association is one of common sense: an individual's chances of committing a crime are directly affected by his work status. The fundamental point is that having a legitimate job decreases the likelihood of being involved in criminal activity. Numerous studies cited by Travis bring conclusions as to different aspects of the same token that support this finding. Needels (2002) concluded that as wages came up, crime went down. Sampson and Laub (1993) found that job instability was related to higher arrest rate and Uggen and Thompson (2003) that legally earnings of money was associated with a reduction in illegal earnings.

The reasons for the ex-offender's desistance on criminal activity have been explored by Uggen, Wakefield and Western (2005) who suggest that a greater informal social control by the employer and co-workers, and the reduction of the association with criminal peers by expanding social networks that include more law-abiding citizens are critical. For the authors the opportunity to adopt a pro-social role that implicates leaving behind the criminal pattern is very relevant. The last reason is simply that employment as an alternate source provides the opportunity to abandon criminal practices associated to basic needs.

The analysis that will be done in this chapter is how the employment of ex-offenders can be used not as a public policy to address the delinquency concern but rather as a particular way to make justice by restoring the harms on the stakeholders, addressing their needs and creating obligations in order to put right all the wrongs that have been

created. With this in mind, the study will expose a hypothetical program to analyze its restorative potential.

### *Illustrative Program Proposal*

There are multiple and even infinite ways of creating an employment program for ex-offenders that is built upon the restorative release principles that have been exposed. For purposes of illustration we will describe what we propose a program could be like, to later analyze if each one of the elements are met.

The proposal is based on the voluntary agreement of community members to participate in a process in which they are open to the possibility of hiring ex-offenders themselves, or getting to know their strengths and needs in order to empathize with them, and possibly later recommend them as possible employees to other community members. The consent of the participants would have to be based on the guarantee that previously the offender has been held accountable for the harm caused and that he is willing to participate in a community practice to help build a better society by the means of reintegrating successfully into society and abandoning his criminal history.

On the preparation phase the offender would have to participate in a restorative practice that addresses the issue of accountability. This goal could be achieved by different means, whether with the participation of the victim (e.g. Victim Offender Mediation), whether among a group of offenders in a guided, constructive, and restorative way, or with the collaboration of members of the community. In this stage it should be crucial that the process maintains its voluntary nature and does not turn into a

previous step necessary to participate in an employment program only in the offender's own interest. The emphasis should be put on the barring of anyone who shows signs of this at the moment of enrolling and by informing the participants that the processes are independent and there is no guarantee that the participation at this stage necessarily means the acceptance in the employment program.

The successive employment program would be initiated by the entity that provides this service. Qualified and trained experts would select among the offenders those who are ready and prepared to participate. Selectivity is key if the voluntariness needs to be preserved. The same mediator would contact community members who have voluntarily manifested their willingness to participate in a program of this nature.

During the actual conference, the ex-offender would begin by expressing his need of finding a job because he is rehabilitated and seeking for a new path. The members of the community will have an opportunity to hear from the offender his words of repent on one hand and on the other his skills and motivation to learn new ones.

From this meeting no specific results regarding finding a job should be expected, but there is an immaterial practical result of the opportunity given to the ex-offender to ask for a job in the most honest and open way. The community members have been able to put a face on the 'ex-offender' title and with that it would probably be easier to get an employment opportunity. It will not only be them that could hire him but also any other community member with whom they interact and to whom they could give a good reference. It is an opportunity to lose some of the stigmatization or at least anonymity that characterizes ex-offenders.

*Is it Restorative?*

The following analysis is whether a program of this nature would satisfy the requirement previously exposed to qualify as a restorative release and not only as a rehabilitation program.

The first element is the *repairing of the harms* caused by the crime. An employment program like the exposed above is centered on the idea of healing the harms caused to the offender. By being punished he has lost all his connections with the community and is now stigmatized in a way that makes it even more difficult to regain what he once had. It is tremendously important from the offender's perspective at the moment of release as for being able to get through the difficult process of going back into society. Nelson, Deess and Allen (1999) studied a group of ex-offenders released into the community and concluded that the number-one concern for most of the people in the study was to get a job. Throughout the first month after release, they were consistently more preoccupied with finding work than staying in good health or avoiding drugs.

Giving him the opportunity of presenting himself to potential employers as a human being, with strengths and interests is a value in itself, independent of the actual results that might be accomplished. He is being valued and listened as a person, empowering him to set positive goals for his future. Secondly, the fact that this program is the result of a voluntary decision of the community members that want to participate and collaborate with him would increase his self-acceptance, which would probably result in a better reintegration.

His needs are also met by the sole fact of his name being exposed as a community member, rather than an ex-offender, who is willing to collaborate and work in a constructive and honest way. Furthermore, if positive results are reached, the power of healing the offender's harms is boosted even more. He will be actively accepted into the community, his work will be valued and his income will allow him to confront all the other issues he might be dealing with such as housing and health.

The victim has a variety of needs that can be addressed in different ways. As discussed in Chapter III, during the process of releasing the offender, the idea of his successful reentry has the potential of addressing two of the victim's needs in particular: the need of helping the offender to change his behavior and the concern in preventing future crime.

There is a close correlation between having a job and being able to succeed at the moment of reentry. The fact of getting a job provides the offender with the stability and income that makes it more likely that he would be able to transform his criminal history into a new life without crime. This change seems to be important to the victims, who need to experience that what has happened to them does not occur to anyone else.

As has been exposed above, studies have found a direct correlation between employment and the decrease of recidivism rates. The fact that by keeping ex-offenders working in an honest and well-paid job will keep them out of the crime system serves as a remedy for the victim's concern of avoiding future crime and confronting the problem of delinquency.

The community would play an important role in a process of this nature. The opportunities that it is willing to give are going to be decisive in the offender's positive reintegration and therefore the repair of the victim's harms by addressing some of their needs.

In the context of employment, public policies have been carried out by states and federal agencies. The most important action of the US Federal Government is the 'Federal Work Opportunity Tax Credit' (WOTC) under which the employer who decides to hire an ex-felon that has been convicted of a felony under any federal or state law, and is hired not more than one year after the conviction or release from prison, will have a federal tax exemption. This tool is well known and many employers are aware of the benefits available for hiring these ex-offenders.

Various states have also taken measures to confront this issue by implementing regulations that tend to avoid discrimination against ex-offenders that apply for a job. For Thompson (2008) the New York Correction Law Article 23-A provides the strongest protection to the ex-offenders in this matter and therefore the author suggests all states should draft similar legislations. This statute prohibits employers to use criminal records in selection processes to deny employment unless the crime is directly related to the job or if granting employment would involve an unreasonable risk to the property or safety of others.

But our approach is somewhat different. The process of hiring an ex-offender must have some healing process in itself to be genuinely restorative. A working opportunity is not a favor that the employer is doing or a privilege that is given to the

employee, but rather a relationship from which both parties should benefit. We should keep our minds open to understand this is an opportunity in which the offender can give back something to the community that he has harmed. In this context it possible to expect that it could be compensating for the community, as it should be for the victim, to watch him build a better society by working in a decent and honest job, and trying to leave behind the criminal path that he had begun.

A program of this nature reduces the gap between the community members and ex-offenders. They are now in a common ground that allows them to appreciate each other for who they are and not what they have done. There is also potential for relationship building in which the ex-offender will feel part of the community and accepted even with his burden of having committed a crime. This reduces fear in the community, as they will have had the opportunity of sharing time and professional interests with those of whom they used to be afraid of. The impact on the reduction of recidivism rates also addresses the need of safer environments for all the community members.

Additionally there is an economic harm caused to communities with high concentrations of former prisoners. Imprisonment imposes a ‘wage penalty’ on the lifetime earnings of a former prisoner, which ends up being a penalty that the entire neighborhood. (Travis, 2005). Giving the ex-offender the opportunity of having a monthly income serves to address this harm that the community has had to suffer during the years of imprisonment.

The second element of a restorative release is the *stakeholder involvement*. There are few things that people in a community share more than the working market. One way or another everybody is involved and understands the importance of belonging to it, the repercussions of being left out, and the significant role it has in our society.

In order to have a successful reintegration of the offender we not only need the participation and collaboration of the community as a whole, but rather a deep involvement of its members. Employers are not only required to accept the possibility of having an ex-offenders among their staff, as it is expected by Federal Government by the WOTC program, but rather to positively engage in a quest for finding a space in the community for these people. They are expected to take the matters in their own hands and seek for a solution to this issue.

Once community members understand the importance of employment to achieve a genuine re-socialization, it will be in their hands to do something about it. This level of participation is the kind of involvement that restorative justice is seeking for.

The final requirement is that there is a *transformation in community and government roles and relationships*. Community members are essential to build networks that support a positive reentry as they have the ability to reintegrate the offender by hiring or recommending for future employment opportunities better than any state agency.

This practice has the extra benefit of community involvement, as the same individuals that would be creating this initiative by assisting to the meeting are the people called to collaborate in the solution. The idea and input comes from the community itself and not from an external entity. This is a major transformation of the duties, obligations,



and rights among the participants of the criminal system. The interaction between the government and the community is altered in a restorative way, in which the stakeholders have an active role in the problem solving process and no longer rely only on the action that takes place on behalf of the state.

It is also a positive way of involving the community in the process of peacemaking and building a better society in which every member of the community not only has rights but also obligations.

Finally, in looking at the process as a whole, we must look for the elements of reintegration exposed in Chapter III that would make it possible from a practical point of view. Even though we might have a very well planned program in theory, in order to reach our goal of reintegration we must also have, first, a human capital element and second, the opportunity to create connections with the community.

The human capital to develop positive relations is given in this case by the vast set of tools that would be given to the offender the moment that he begins working. In this context he will be able to stand up for himself knowing that he now has something to offer that he did not before. This security in himself and in his work will make him more likely to be able to depend nobody else and not have a serviced life.

There should also be a change in the expectations we have on the ex-offenders as to the assets they should develop in their process of reentry. Competencies will be built not only by obtaining knowledge and skills in the new type of job the offender might begin, but also in a previous stage by learning how to get into the working market, e.g. who to go to, what to do, and how to present yourself.

But restorative justice seems to require more than just that. The offender should also be able to create connections and build positive relationships with the community. In a working environment, labor and professional relationships will necessarily be created and it will be up to the offender to maintain them.

A successful intervention of this nature would give the offender a sense of usefulness that he might never have experienced before. He is now part of the working class, who are creating, innovating, and building the future. Whatever work he does, he is doing something honest and positive with his life. The offender would finally experience a sense of belonging in the community. The stakeholders blend into each other and they all come together as one big group of human beings. These feelings of belonging, acceptance, and usefulness are critical in a restorative release.

## V. Conclusions

The theory of restorative release approaches the issue of the ex-offender's reentry into society based on the principles that are necessary to make a normative theory of restorative justice. Three elements were exposed which, if met, provide a basis to support that a proposed process is genuinely restorative.

Employment has showed to be deeply influential on the recidivism of ex-offenders that reenter the community. A restorative program that focuses on this element has the double function of making justice at the same time than confronting the problem of delinquency by reducing the recidivism rates. This is a holistic way of approaching the subject, in which all the issues are taken under account and addressed to give a more complex and restorative solution.

In this work a hypothetical program was exposed with the purpose of introducing the idea of the restorative value of employment of ex-offenders at the moment of release. First the harms of the offender, victim and community were discussed to later conclude that the proposal would have the potential of addressing and solving some of them. We also analyzed whether the stakeholders participated in an active way that got them involved in the process, holding that the community played an important role that would be essential to have positive outcomes. Finally we studied the transformation that would be necessary on behalf of the community and stakeholders as for their roles and relationships, concluding that a major change would have to take place, especially with the community's involvement and consequential displacing of the state's traditional role. With these three elements met, we are able to conclude that an employment program of this nature would in fact be restorative.

Restorative justice aims to provide the society with different avenues to make justice, and the reentry phase must not be forgotten in this quest. The perfect solution is the one that carries on until the final moment and does not stop halfway trough.

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