



INTRODUCTION

Offender employment is one of the biggest challenges probation officers face, but also one of the greatest predictors of success on supervision. This policy seeks to provide structure and continuity to help U.S. Probation Officers in the District of Minnesota address offender unemployment. By providing a consistent approach to offender unemployment and underemployment, we strive to reduce unemployment rates which have been shown to have a direct correlation to violation and revocation rates.

PURPOSE

Our efforts toward offender employment are focused on offenders obtaining and maintaining *meaningful* employment. For purposes of this policy, *meaningful* employment is defined as permanent, full-time employment earning at least \$8 per hour with benefits, or the potential for benefits, that the offender has held consistently for at least three consecutive months. Our efforts are also focused on job retention. Once employment is secured, efforts should be made with the offender and the employer to help ensure job retention beyond one year.

BUREAU OF PRISONS (BOP) PRERELEASE ACTIVITIES

Addressing offender employment issues needs to begin while the offender is still in the custody of the Bureau of Prisons. As we prepare for the offender's release, we expect the following activities to take place:

- Pre-release briefings conducted at the Bureau of Prisons' institutions in the District of Minnesota will include a section that deals specifically with offender employment policy and expectations.
- Pre-release investigation responses to the Bureau of Prisons will address offender employment requirements and activities to be completed and documented prior to release (i.e., proper photo identification, education/vocational certificates, skills assessments, etc.).

RESIDENTIAL RE-ENTRY CENTER (RRC) PRERELEASE ACTIVITIES

The RRC is a critical link between the prison and supervision. U.S. Probation Officers should work in collaboration with the RRC staff in addressing offender employment needs.

- Review offender employment policy with the offender upon arrival at the RRC.
- Collaborate with the case manager and employment specialist to develop an employment plan if the offender is unemployed.

SUPERVISION ACTIVITIES

Ideally, if the prerelease focus on offender employment is successful, the offender will be employed when he/she starts supervision. If an offender is unemployed at the start of supervision, or at any point during the term of supervision, the U.S. Probation Officer is expected to work within the parameters set forth in this policy.

1) Case Planning:

Offender employment will be one of the cornerstones of the case planning process in the District of Minnesota. All officers and Supervising U.S. Probation Officers (SUSPOs) should strive to maintain a focus on offender employment as a critical element in the case planning process. All initial and case plan updates should:

- Assess the offender's current employment to assure it meets the definition of *meaningful* employment previously set forth.
- If an offender is underemployed, the case plan should clearly articulate the steps to be taken to upgrade the offender's employment (resource/referral, job training, etc.).
- If an offender is unemployed, the case plan should clearly articulate steps to be taken to address the unemployment.

In all matters related to offender employment, careful consideration should be given to the parameters set forth in the policy statements that follow.

2.) Unemployment Due to Disability, Retirement, or Other Extenuating Circumstances:

In the event an offender is unemployed due to reasons that, in the officers view, are legitimate, the officer should:

- Assess the degree to which the particular circumstances affect the person's ability to work.
- Assess the impact of unemployment on the case, particularly in cases that involve payment of restitution.
- Verify and obtain documentation regarding any disabilities.
- Staff the case with his/her SUSPO to determine a plan of action.

If, after thorough assessment and staffing of the case, the supervising officer determines that unemployment is acceptable, the activities that follow in this policy may be suspended. The case plan should clearly articulate the steps taken and the decision made. The officer should periodically (at least once per year during case plan updates), reassess the circumstances of the case to determine if changes in the case plan are dictated.

3) Unemployment:

If the offender is unemployed, the officer should immediately institute the following minimum activities:

- Establish weekly contacts with the offender to address progress toward employment goals.

- Provide offender employment resource packet to the offender and review job seeking strategies with offender.
- Refer to community employment resources to assist in structured job seeking activities and verify compliance.
- Require daily documented job seeking activities to include name of employer, date of application, point of contact, address, and phone number.

4) Extended or Chronic Unemployment:

If the offender remains unemployed after 30 days, the U.S. Probation Officer should:

- Staff the case with the Employment Specialist or SUSPO to establish an employment plan.
- Unless the staffing determines a different course of action is acceptable, the offender will be referred for up to 20 hours of community service per week, in addition to the job seeking activities previously set forth. This will continue until the offender is employed.
- The employment plan should be reviewed every 30 days with the Employment Specialist or SUSPO until the offender is employed.
- Any determination that the offender is not in compliance with the employment plan established by the officer will be considered noncompliance and subject to other responses to noncompliance up to and including revocation of probation or supervised release.

5) Seasonal Employment:

In the event an offender is employed full-time in a seasonal job such as landscaping, construction, etc., and draws unemployment in the off-season, the following guidelines apply:

- The offender should not be allowed to be unemployed during the off-season. Unemployment compensation, while it may provide adequate income, does not provide the structure and accountability required while on supervision. The expectation is full-time employment or enrollment in school or training or engaged in community service in accordance with this policy (see paragraph 5).
- Exceptions may be considered on a case-by-case basis and should be staffed with the Employment Specialist or SUSPO.

6) School, Vocational, or On-The-Job Training:

Many offenders choose to pursue school or other types of job training while on supervision. This section provides guidance to officers when faced with that situation.

- When enrolled in full-time school or vocational training, the offender is expected to work a reasonable part-time work schedule. The number of hours to be worked is left to the discretion of the U.S. Probation Officer.
- The supervision officer should verify the offender's enrollment and school schedule.

- The offender is expected to maintain a full-time work schedule while attending school or vocational training that is not considered a full-time class schedule. Exceptions should be staffed with the SUSPO or Employment Specialist.

7) Self-Employment:

As a general rule, self-employment should be discouraged. If the offender's history is such that self-employment has been the only means of income and the continuation of self-employment is deemed to be in the best interests of the Court, community, and the offender, the supervising officer should staff the case and consider the following:

- There are no special conditions that prohibit the offender from engaging in self-employment.
- There are no third-party risk considerations that would prevent the offender from being self-employed.
- The supervising officer is satisfied that he/she will be able to verify and document the legitimacy of the offender's self-employment. This may include, but is not limited to:
 - ▶ A thorough description of how the enterprise is structured and what it does.
 - ▶ Observe the business in operation (i.e., physical inspection of the office, warehouse, inventory, customer transaction, etc.).
 - ▶ Verify proper registration and licensing.
 - ▶ Financial assessment of the enterprise (i.e., proposed sources of capital, assets, etc.).
 - ▶ Regular examination of bank statements.
 - ▶ Review of invoices.
 - ▶ Personal and business tax returns.
 - ▶ Quarterly submissions to the Internal Revenue Service, if applicable.

Note: Refer to the Financial Desk Reference for U.S. Probation and Pretrial Services Officers for further guidance on supervising self-employed individuals.

8) Offender Employment and Restitution:

To effectively address restitution to victims and ensure compliance with the Court's order regarding restitution, offenders must be employed on a full-time basis within the definition set forth in this policy.

In the event an offender is unemployed, unable to work full time, or has requested a reduced work schedule to attend schooling or training, and the change in employment will negatively impact the offender's ability to pay his/her financial obligation, the supervising officer should:

- Staff the case with his/her SUSPO. Consider the negative impact on ability to pay versus the long-term benefit to the offender (i.e., better job, more money, increased ability to pay).

- If approved by the SUSPO, the officer should submit a letter to the Court outlining the employment issue, its impact on restitution, and a proposed course of action for Court approval.

If approved by the Court, the officer should develop a plan with the offender to address the employment and restitution issues.

- If the offender is unemployed, the officer should follow the procedures set forth in this policy.
- If the offender is disabled or unable to work for some other reason, re-assess the offender's financial situation and adjust the payment plan as needed.
- If the offender is approved for schooling or training in accordance with paragraph 5 of this policy, a reduced payment plan should be implemented.
- Once schooling or training is completed and the offender employed, establish a new payment plan that addresses the short-fall in restitution payments during the education/training period.