

A Cross Comparison of Temporary Work Release Programs as an Alternative to Incarceration Within Canada and Ukraine

Lauren Shaw

Department of Sociology, MacEwan University

Introduction

The goal of punishment through incarceration is to enforce ideals of criminal deterrence, provide retribution for victims of criminal activity, and to aid in the protection of society from offenders and criminal activity (Ward & Salmon, 2009). Methods of punishment by means of incarceration rely on the denial of access to opportunities and resources that are offered to members of society who are not criminals. By focusing on factors entailed in the idea of enforcing punishment via incarceration, the carceral system is not promoting offender reintegration into society, which increases likelihood of reoffending and thus perpetuates broken justice systems. There is an innumerable amount of evidence suggesting that punishment is not an effective method for the reduction of criminal activity. Therefore, due to a rise in prison populations, criminal activity and high recidivism rates, there is a need to review and modify the methods of the carceral system and offer reintegration programs for offenders (Cheliotis, 2008).

Communicative theories of punishment focus on punishment as inclusionary as opposed to the norm of exclusionary practices being the foundation of punishment (Duff, 2002). Within this theory, offenders are viewed as what is referred to as normative members of society, which indicates that offenders are not intrinsically outcasted from society and are seen by the community as “one of us” (Ward & Salmon, 2009). By framing punishment in an inclusionary way, offenders are bound and protected by community values, allowing them to have inherent dignity and equal moral standing to non-criminal members of a community. As

such, this theory provides insight that by having a community use inclusionary practices regarding punishment, they enable offenders to right their wrong doings and in turn be accepted back into society after they offend by taking responsibility and being held accountable for their actions (Ward & Salmon, 2009).

As an alternative option of general carceral punishment, rehabilitation has a primary goal of aiding offenders’ reintegration into society by preparing them to assume responsible roles in their community upon release from incarceration (Ward & Salmon, 2009). Due to the conflicting goals of punishment and rehabilitation, it is not possible for both methods to be implemented concurrently in the criminal justice system. While punishment by incarceration focuses primarily on retribution and crime reduction by keeping offenders out of the public, rehabilitation attempts to reintegrate offenders back into society by preparing them to adapt to a life outside of correctional facilities and hopefully in turn, reduce the likelihood of the offender reoffending (Ward & Salmon, 2009). With rising public awareness of failing prison systems, there has been an increased interest in potential alternatives to incarceration within the carceral system. Rehabilitation programs give offenders opportunities to redeem themselves and ultimately be reconciled into their community (Seigafo, 2017). By offering an alternative to complete incarceration within correctional facilities, the rehabilitative practice of temporary work release programs grants inmates the ability to leave correctional facilities on a temporary basis in order to obtain employment. Through the use of temporary work release programs, inmates are

encouraged to find employment that aligns with their skills and interests, to increase the likelihood of success within temporary work release programs, and ideally to continue their employment following their complete release from correctional facilities. By aiding in securing employment, temporary work release programs promote offender reintegration by acting as a bridge to help inmates adapt from a highly structured institution where they have very little control over their livelihood, back into society where they are responsible for their survival.

The benefits of temporary work release programs outweigh the disadvantages. The advantages of temporary work release programs include reduced recidivism rates due to offenders obtaining employment and having less reliance on committing crimes in order to maintain financial stability (Cheliotis, 2008). Due to carceral systems having a focus of reducing crime rates, and many studies showing that punishment through strict incarceration does not aid in the reduction of recidivism, these programs offer a route for this decrease in reoffending to occur (Weisburd, et al., 2017). A challenge of these programs is that they contradict the traditional views of the relationship between crime and punishment, which indicate that the consequences of criminal activity should be retributive; however, modern day carceral systems require an alternative view of this relationship in order to attempt to fix a system that has been deemed ineffective. While the facilitation of temporary work release programs is time consuming for constructing the program itself and determining who is eligible for it, the failure rates of these programs are very low, indicating that the time required to operate them is justifiable in their success (Hillier, et al., 2018). Prison overcrowding is a large issue globally, and these programs allow for offenders to spend less time incarcerated, reducing this overcrowding issue. Finally, temporary work release programs offer a cost-effective method to crime control for both correctional facilities, which are very expensive to operate, and offenders who can benefit financially while participating in these programs, and upon release from prison (Rukus, et al., 2016).

This paper compares and contrasts the use of temporary work release programs within Canada and Ukraine and provides insight with regards to how the usage rates of temporary work release programs have changed over

time since their implementation in legislation within Canada and Ukraine.

Literature Review

Through the examination of several articles that explored the effectiveness of temporary work release programs, the data found suggests that temporary work release programs have shown a large amount of success in reducing recidivism rates and promoting offender reintegration into society, indicating that these are foundational goals of temporary work release programs (Weisburd, et al., 2017). Temporary work release programs are also cost-effective in comparison to complete incarceration and can allow for a decrease in prison overcrowding to occur (Cheliotis, 2008).

Decreased recidivism rates are promoted by temporary work release programs by offering social support to inmates through helping to re-establish and strengthen family relationships, making arrangements for accommodation post release, making modest savings which can contribute to the financial needs of their dependents as well as decreasing their likelihood of reoffending due to not having to rely on criminal activity for financial survival (Cheliotis, 2008).

In order to combat high recidivism rates, the Israeli prison service uses an integrative approach to combine temporary work release with a positive social environment. This program offers offenders an opportunity to obtain employment while strengthening their ties to the community and reconnecting with their families. The cumulative recidivism rate of all prisoners who participated in the temporary work release program was 32% lower than their counterparts: the general prison population who did not participate in the temporary work release program (Weisburd, et al., 2017).

In the United States correctional systems, there is a lack of rehabilitative efforts used in order to attempt to correct inmates' criminal behaviors, which has resulted in high recidivism rates for released offenders (Seigafo, 2017). Not only does temporary work release lower recidivism rates by assisting inmates overcome barriers to reintegration into society, they also help enhance public safety by molding offenders into functional members of society. In the United States, 76.6% of prisoners are rearrested after 5 years of release,

indicating that there is a need for alternative approaches to incarceration as correctional facilities are not successfully correcting offender's criminal behaviors as evident by the majority of offenders reoffending upon their release (Seigafos, 2017).

A temporary work release program in England and Wales that demonstrated success had a structure based primarily on offender reintegration in order to reduce recidivism (Hillier, et al., 2018). In 2016, the England and Wales temporary work release program was granted to 7000 individuals. This program resulted in rare failure rates (indicating prisoners who did not follow protocols of the program, and as a result, were removed from the program and returned to complete incarceration) of less than 0.1%. This program provided results of a one-year reoffending rate upon release of 13%, whereas inmates who did not participate in the temporary work release program had a one-year reoffending rate upon release of 46% (Hillier, et al., 2018). This data suggests that temporary work release programs are advantageous for reducing recidivism.

Temporary work release programs provide offenders with employment opportunities that often continue upon complete release from incarceration. This not only offers them financial support but also decreases their likelihood of reoffending as there are many arguments in literature that state the most complicated issues faced by offenders for reentry is finding a job. Lack of employment can be a large determinant of recidivism as lack of income creates a vicious cycle where offenders are forced to commit criminal acts in order to meet their financial needs, these programs offer solutions that oppose this criminal reliance (Rukus, et al., 2016). Due to employers not typically wanting to hire individuals with criminal records, job prospects for offenders are low. By assisting in finding employment for offenders prior to their complete release from incarceration, temporary work release programs permit offenders to potentially secure employment post release, thus playing a large role in prisoner reintegration and recidivism reduction (Rukus, et al., 2016).

The employment offenders obtain through temporary work release programs also decrease prison overcrowding by reducing the number of prisoners within correctional facilities by temporarily releasing offenders for employment (Weisburd, et al., 2017).

These programs incorporate a mutually beneficial financial relationship between both correctional facilities and offenders, making them a useful, cost-effective resource within the criminal justice system.

The literature regarding temporary work release programs suggests that they promote offenders' reintegration into society by allowing them to obtain employment which can aid in their contribution to society and acts as a bridge between a highly structured institution where offenders have little control over their livelihood back into society where they are responsible for their survival (Cheliotis, 2008). These programs encourage reintegration by building vocational skills, and as a result, builds the self-esteem of offenders as their ability to gain employment due to the development of these skills increases (Arne, et al., 2021).

A temporary work release program in San Mateo County, California, that permits inmates to leave incarceration to work within the community during the day and return to their institutions following the completion of their employment responsibilities in the evening offers a middle ground between full incarceration and probation and has shown effectiveness with offender reintegration (Jeffery & Woolpert, 1974). While this study was conducted decades ago, the program has three fundamental components that are still relevant for modern day temporary work release programs. These components are promoting a decrease in the amount of control the correctional system has over offenders' lives, attempting to facilitate offenders reintegration into society with the goal of reducing recidivism rates, and promoting cost effectiveness as temporary work release programs allow for inmates to share administrative costs of the programs, which decreases costs for correctional institutions. These programs allow offenders to earn wages which partially go towards helping fund administrative costs of the programs, decreasing costs to facilities, to repay fines and debts and to support their families and themselves.

Lastly, temporary work release programs help alleviate harm caused by incarceration due to offenders losing touch with reality outside of correctional facilities. They do so by helping offenders transition into civilian life by encouraging them to abstain from criminal activity, giving them the opportunity to re-establish

family and social ties, make arrangements for accommodations upon release, make modest savings which can pay for their needs upon release, and gain work skills and experience that can enhance their post-release job opportunities.

Analysis

The analysis of this paper utilized the strategy of causal narrative. This method of analysis provides a narrative by assessing evidence to explain a social phenomenon (Lange, 2013). In other words, a causal narrative tells a story, for the purpose of this paper, to compare and contrast Canadian and Ukrainian rates of use of temporary work release, how they have changed over time and why a gap exists within their usage of these programs. This story will be told through a secondary within-case method examining data from primary sources such as scholarly articles and journals discussing temporary work release, and websites including: Prisoninsider.com, Statistica.com, and Tradingeconomics.com.

The penal culture in Canada has previously had a strong focus on retribution and “getting tough on crime”, however, this has shown great failure in correcting criminal behavior and reducing crime rates, which has called for re-evaluation of the current perspectives regarding what is appropriate in order to attempt to resolve these issues (Strange, 2001). Canada’s criminal justice system’s modern policy structure is seeking to take a more restorative approach to criminal activity and consequences for offenders in order to achieve its foundational goals (Goff, 2020). In order to examine the rate of usage of temporary work release in Canada, it is necessary to break down the Canadian criminal justice system into relevant categories by providing statistics of Canada’s prison population, the average cost of detaining prisoners, prison density, recidivism rates, and the usage rate of temporary work release.

The prison population in Canada is 0.10% of the overall population of Canada, consisting of 89% male, 9% female, and 2% youth. The average cost of detainee per year is \$125,000 Canadian dollars, indicating that incarceration is incredibly costly (Statistica.com, 2018). Canada’s prison density is 104%, which suggests that Canada’s prisons are greatly overcrowded (Canada: Prisons in 2021, 2021). Canada has a recidivism rate of

35%, which is the percentage of released offenders who reoffend (Recidivism Rates by Country, 2022).

Temporary work release was implemented into legislation by the Canadian government in the 1960’s and has a net increase in use per year of 0.50% (Ternes, et al., 2019). Temporary work release use in Canada has increased over the last decade by 8.2%, with a current usage rate of 36% (Ternes, et al., 2019). The failure rate of temporary work release programs in Canada (indicating prisoners who do not follow protocols of the program and as a result were removed from the program and returned to complete incarceration) is less than 0.1% (Ternes, et al., 2019).

Similarly, to Canada, Ukraine’s penal culture operates on a foundation of retribution. Ukraine’s criminal justice system procedures are recognized globally as being harsh, arbitrary and lengthy (Further Support to the Penitentiary, 2022). Due to their treatment of offenders being considered as degrading and inhumane, they have begun a shift towards focusing more on the human rights of offenders by creating partnerships with the community and society in order to promote the resocialization and reintegration of offenders (Further Support to the Penitentiary, 2022).

The prison population in Ukraine is 0.11% of the overall population of Ukraine, consisting of 97.2% male, 2.7% female, and 0.1% youth. Ukraine’s prison density is 59%, indicating that their prisons are substantially less crowded than Canadian prisons (Ukraine: Prisons in 2021, 2021). The average cost of detainee per year is \$67,000 Canadian dollars, suggesting that incarceration is not a cost-effective method of correction (Prisons in Europe, 2019). Ukraine has a recidivism rate of 2% which demonstrates that the likelihood of offenders reoffending upon release in Ukraine is low (Yagunov, 2016).

Temporary work release was implemented into legislation by the Ukrainian government in the 1990’s and has a net increase in use per year of 0.17% (Simkovich, 2020). Temporary work release use in Ukraine has increased over the last decade by 4.97%, with a current rate of usage of 5.17% (Simkovich, 2020). The failure rate of temporary work release programs in Ukraine (suggesting prisoners who do not follow protocols of the program which resulted in their

removal from the program and return to complete incarceration) is less than 0.1% (Simkovich, 2020) (see Table 1).

Comparison of Cases

The cost of incarceration per detainee annually in Canada is \$125,000 Canadian dollars, as compared to \$67,000 Canadian dollars in Ukraine. Although the cost of incarceration per detainee annually in Ukraine is only 53.6% of the cost in Canada, Ukraine's GDP-PPP (gross domestic product converted to international dollars using purchasing power parity rates) which indicates the general economic growth, success and wealth of a country is \$14,146 US dollars (Canada GDP Per Capita PPP, 2022), which is 73.35% lower than Canada which has a GDP-PPP of \$53,089 US dollars (Ukraine GDP Per Capita PPP, 2022). The costs of incarceration in Ukraine is grossly high in comparison to their GDP-PPP, this indicates that they are in need of different methods of correcting criminal behavior aside from incarcerating offenders, as the costs of incarcerating offenders is very high. While incarceration costs are lower in Ukraine than in Canada, the cost in comparison to the economy is greater in Ukraine than in Canada. This illustrates that while the use of temporary work release is less prevalent in Ukraine than in Canada, both countries could greatly benefit financially from the program's further usage, with Ukraine having a higher demand for economic solutions to their high carceral costs.

Ukraine's prison density is 59%, whereas Canada's prison density is 104%, demonstrating that Canada has a much larger issue with prison overcrowding. A prison density of 104% suggests that there is no capacity left for more offenders to be incarcerated, and temporary work release programs offer an alternative method of corrections that reduces prison density. Canada's prison density being approximately twice as dense as Ukraine's prison density could provide an explanation for why temporary work release programs are used more in Canada as they have a considerably higher need for a solution to their issue with prison overcrowding. Due to Canada's prison density being so high, their temporary work release programs may be more accessible with a less particular criteria for qualification. This accessibility could provide insight as to why Canada has such high recidivism rates in comparison to Ukraine as they may put less efforts

towards assessing prisoner eligibility, and grant access to the program to unsuitable offenders.

The implementation of temporary work release in legislation occurred thirty years later in Ukraine (1990's) than in Canada (1960's), which could provide some insight into why there is a gap in usage between the two countries. While the year of implementation may be the simplest conclusion to come to, both Ukraine and Canada have had temporary work release programs in use for at least a few decades, and there is a net increase of use per year in both countries of less than 1%. This suggests that the timeline of implementation of temporary work release within the two countries does not provide a solid explanation for why the gap of usage exists. By looking at the net increase of temporary work release, it is demonstrated that other factors come into play in order to provide an explanation for its gap in usage. Even if temporary work release was implemented into legislation in Canada and Ukraine within the same year, a gap in usage would still exist, which encourages for the explanation of the gap to be explored further.

Ukraine falls 62nd on the global crime severity index at 46.94, whereas Canada falls 83rd at 42.94, which could offer some insight into why the gap exists between Canada and Ukraine and their usage of temporary work release, as the program is typically only granted to offenders with the lowest risk to society (Crime Severity Index by Country, 2021). With that being said, the gap in crime severity index between Canada and Ukraine is so small it could be considered negligible. This data can provide support for more likely explanations due to the ability to exclude it from being a potential cause of the gap in use of temporary work release.

Ukraine's recidivism rates are 33% lower than Canada's, which aids in understanding the gap in use of temporary work release programs. In view of the fact that one of the primary goals of temporary work release programs as indicated by literature is to reintegrate offenders into society upon release from incarceration in order to reduce recidivism rates, Ukraine may have a lesser necessity to use temporary work release programs than Canada due to their low recidivism rates. Another possible explanation for the low rates of recidivism that could be explored by further research is that because Ukrainian temporary work release

programs are incredibly difficult to be granted access to, that their criteria for releasing prisoners is so particular that it only releases offenders who are very unlikely to reoffend (Morozova, 2013). A causal relationship between temporary work release and recidivism rates may exist not only pertaining to high recidivism rates requiring methods of rehabilitation, such as temporary work release, but also indicating that high recidivism rates in Canada may be in part, a result of less strict criteria for temporary work release programs than there is in Ukraine. High recidivism rates in Canada also offer an explanation for the issue of overcrowding. As a consequence of low usage of rehabilitative programs, such as temporary work release within Canada, released offenders often do reoffend, which contributes to the overwhelming Canadian prison population. These circumstances demonstrate that if temporary work release programs were utilized more frequently in Canada, they could produce positive results related to reducing recidivism rates and thus, decreasing prison overcrowding.

Availability of data with reference to average length of sentences for offenders within Canada and Ukraine was limited, although this is a potential explanation for the gap in usage of temporary work release programs within the two countries that future researchers could explore. The further research of sentencing averages would be beneficial to explain the gap in use of temporary work release programs, as well as offer insight as temporary work release programs are used for offenders prior to release from incarceration. Therefore, if Ukraine has high average sentence lengths, they would have little use for temporary work release programs as offenders sentencing lengths indicate their opportunity to be released from incarceration, which is when reoffending would occur. This data could also lead to conclusions about the gap in recidivism rates in Ukraine and Canada as well.

Through the examination of data related to the carceral system, correctional facilities, and offenders, it is plausible to determine that the most likely explanation for the gap in usage of temporary work release programs within Canada and Ukraine is that Canada has a higher need for the programs use due to their exceptionally dense prison population, which requires alternative measures to incarceration to reduce the prison density, and that Canada has high recidivism

rates in comparison to Ukraine, suggesting Canada has a need for programs that function with a goal of reducing recidivism.

Discussion

The individual implications of the temporary work release are reintegration into society and back into the offenders' everyday lives, which gives them the opportunity to succeed (Weisburd, et al., 2017). By providing the offenders the opportunity to obtain employment, temporary work release programs are providing a foundation for them to rebuild their lives and promote success in a realm of non-criminal living (Cheliotis, 2008). This in turn can decrease released offenders' likelihood of reoffending due to being able to earn wages to support themselves and their families and to contribute to society on a social and economic level. When released offenders of a community are working and attempting to be a part of the advancement of the greater good within society, they are more likely to be accepted, and trusted by their communities (Arne, et al., 2021). This can lead to offenders feeling valuable to society and increase the likelihood that they will want to continue operating within the norms of the societal structure, which benefits the individual as well as society. The sociology of work suggests that work is a central part of an individual's life and that being employed allows for individuals to feel important and valued (Arne, et al., 2021). Employment can also act as a form of social interaction, with these relationships leading to friendships, connecting with others who have similar skills and interests, gaining social and personal support, to connect with other organizations, and other economic and social institutions (Arne, et al., 2021).

The institutional implications of temporary work release are lower recidivism rates due to offenders receiving support upon release and thus having a lesser necessity to rely on criminal activity for financial security. Not only does lower recidivism rates impact the safety of communities and the functionality of society as a whole, it also aids in providing the general public with greater confidence in the carceral system as a primary goal of the correctional institution is to correct criminal behavior and reduce crime rates and recidivism. The reduction of recidivism through temporary work release programs also influences the general public's ideas of rehabilitative justice programs and can lead to their further usage. Temporary work

release programs decrease prison overcrowding due to offenders participating in temporary work release programs spending less time in correctional facilities, which along with a portion of offenders earnings going towards funding programs, results in lowered costs of correctional facilities. While temporary work release programs do influence the prison institution most directly, they have effects on other institutions as well. These institutions include but are not limited to, the institution of employment and the institution of family. These programs can reduce unemployment rates as they not only encourage offenders to obtain employment, which lessens the likelihood of offenders being unemployed, but they also allow for the economy to be positively impacted by decreasing unemployment rates, and having offenders contribute to the economy through their employment (Cheliotis, 2008). The institution of family is a basic unit of society as it relates directly to socialization, and support (Gurko, 2020). Having a member of a family be incarcerated ultimately affects the functionality of the family as a whole. This is because incarcerated offenders are unable to provide emotional, physical, and financial support to their families. By urging and facilitating the ability of offenders to obtain employment, temporary work release programs also encourage the reconstruction of the family of the offender. Temporary work release programs do this by aiding in the financial stability of offenders, allowing them to contribute financially to their family unit, and overall, the offender's ability to work increases their self-esteem as they feel more valuable to the financial functioning of their family (Arne, et al., 2021). Through this increase in self-esteem and financial support, these programs also allow offenders to provide social support to their familial institution (Arne, et al., 2021).

The societal implications of temporary work release are that they strengthen community ties by giving offenders an opportunity to succeed economically, and socially. The employment offenders obtain through temporary work release programs ultimately decreases fear in communities of criminals as they are seen as a more positive and contributory part of society as they hold monetary value through their employment. Criminal activity threatens social control as it goes against societal standards due to crime being a violation of societies set of conventional rules. By having offenders play a role in the general function of society, temporary

work release programs can help maintain social order. While temporary work release programs do essentially act as a form of social control, they function on the reliance of the offender taking greater responsibility for their criminal actions, and increasing positive involvement in their communities, rather than using retributive social control tactics through incarceration. This approach of social control through temporary work release programs can potentially decrease criminal activity due to offenders feeling satisfied with themselves and their place in their communities. By granting offenders employment opportunities, their work will advance the economy through production and operation of the workplace, and their earnings will contribute to the economy via basic supply and demand economics. The employment of offenders will ultimately increase human capital, positively affecting society economically and financially.

The implications of temporary work release programs at the individual, institutional, and societal level indicate that an increase in use of temporary work release programs within Canada and Ukraine could be highly beneficial for both countries.

Conclusion

In summary, the most likely explanations for the gap in usage of temporary work release programs within Canada and Ukraine are prison overcrowding and recidivism rates. Due to Canada's prison density being 45% higher than Ukraine's prison density, this suggests Canada has a greater need for methods of correction that reduce prison overcrowding, such as temporary work release programs. Due to the fact that Canada has a 33% higher rate of recidivism than Ukraine, they have a larger demand for temporary work release programs as they attempt to rehabilitate offenders. Ultimately, Canada and Ukraine could both greatly benefit from an increase in use of temporary work programs as the advantages of temporary work release are as follows: the prison system is failing, and this offers an alternative to complete incarceration. Other countries have shown great success in temporary work release programs, indicating that these programs are effective, and should be used more globally. These programs lower overall incarceration costs by reducing the number of prisoners inside correctional facilities and having offenders participating in temporary work release programs pay a portion of the program. Lastly,

they aid in reintegration of offenders into society, by presenting them with incentive and support to contribute to and become functional members of society by granting them employment opportunities, allowing them to have more control over their livelihood and giving them an avenue where they do not have to rely on criminal activity for survival, which fundamentally promotes decreases in criminal activity and recidivism rates.

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Table 1. Comparison of Penal Statistics Between Canada and Ukraine

	Cost of detainee annually	Prison density	When temporary work release was implemented	Net increase in use	Usage last decade increase	Failure rate	Recidivism rate	Crime severity	Current temporary work release rate
Canada	\$125,000	104%	1960's	0.50%	8.2%	>0.1%	35%	42.94	36%
Ukraine	\$67,000	59%	1990's	0.17%	4.97%	>0.1%	2%	46.94	5.17%