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European Report on Prisoner Reintegration through Entrepreneurship and Psychology

Prisoner Reintegration through Entrepreneurship and Psychology

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Project partners:



Learnkey

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1. Introduction

Prison systems have both punitive and rehabilitative functions; the latter of these is important for ensuring that individuals in the criminal justice system have the opportunities to improve their lives, reintegrate into society and desist from further criminal activity (Centre for Entrepreneurs, 2016). Given the significant prison population rates across Europe (84 in Ireland; 71 in Germany; and 113.5 in Romania per 100,000 inhabitants), as well as the high rates of recidivism (38% and 37.2% of the prison population are reoffenders, in Germany and Romania respectively, and the 3-year recidivism rate in Ireland is 61.7%), there are mounting calls for enhanced mechanisms that support individuals towards desistance and reintegration into society. Research has shown that one crucial success factor for reducing recidivism can be reintegration into work (e.g. Costelloe & Langelid, 2011). The solution sounds simple, but there are multiple caveats attached to it for ex-prisoners. For example, employers may harbour discriminatory attitudes (Cooney, 2012) and employment generally demands trust, basic and soft skills, thereby making it difficult for those with criminal records to become part of the labour market (Western, 2006). Given the challenges of securing employment, in recent years increasing attention has been drawn to the value of entrepreneurship as an alternative to mainstream employment for people with criminal records (Centre for Entrepreneurs, 2016).

Entrepreneurship or self-employment is prevalent among people with criminal convictions (Centre for Entrepreneurs, 2016; Finlay et al., 2022; Hwang & Philips, 2020) as it may allow them to circumvent a discriminatory labour market and access income through necessity-based entrepreneurship (Smith, 2021). There is evidence to support the notion that



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people who engage in criminality may have a predisposition for entrepreneurship, such as the preference for being one's own boss (Fairlie, 2002; Levine & Rubinstein, 2017; Sonfield, 2001). Since many former prisoners are forced to opt for low-paying positions in wage employment (Harris & Keller, 2005; Travis & Petersilia, 2001), entrepreneurship can offer individuals greater economic mobility and prosperity (Hwang & Philips, 2020). Furthermore, entrepreneurship has also been

linked to lower recidivism and crime rates (Hwang & Philips, 2020; Kacperczyk & Rocha, 2021) which makes it attractive from a prison system perspective.

Entrepreneurship education in prison has been recognised as one way to support individuals with criminal records towards self-employment by assisting them in developing a robust business plan and basis of knowledge, which they can then utilise and implement on leaving the prison system (Centre for Entrepreneurs, 2016; Cooney, 2014; Hwang & Philips, 2020). Entrepreneurship education programmes have also been associated with a reduction in recidivism rates among participants (Hill, 2022; Leonhard.eu, 2019; Sauers, 2009; Sonfield, 2009). Although the argument in offering entrepreneurship educational programmes to prisoners is compelling, the adoption of such programmes is not widespread throughout Europe (IPAG Business School, 2021). Moreover, many of these programmes focus largely on developing business skills and acumen and downplay the significance of developing the psychology or entrepreneurial mindset of the individual (Frese et al., 2016). The PREP (Prisoner Reintegration through Entrepreneurship and Psychology) project aims to develop and pilot an in-prison e-learning entrepreneurship education programme that places equal emphasis on developing an individual's business knowledge, psychological mindset and awareness of post-release challenges.

This report was prepared by Technological University Dublin (Ireland), University of Saarland (Germany) and European Strategies Consulting (Romania) for the EU Erasmus+ funded project, PREP. It offers an evidence-based approach in support of piloting an e-learning programme in prisons that enables an ex-offender's reintegration into society in three ways: (1) preparing the individual for post-release challenges; (2) supporting the individual to develop an entrepreneurial mindset; and (3) training the individual to become an entrepreneur. The report also offers key considerations and recommendations for the design and delivery of the proposed e-learning programme.

Research was undertaken across the three national contexts (Ireland, Germany, and Romania) in which the prospective e-learning programme will be piloted. The information in this report is informed by both secondary, desk-based research and interviews with key informants from the criminal justice system and support agencies, in addition to former prisoners who have successfully established their own businesses. During summer 2022, the Irish team interviewed ten individuals, including five people with lived experience (four of whom had entrepreneurial experience), one

individual who delivered a start your own business programme within the Irish prison system, one former prison governor, one individual leading the government's social enterprise and employment strategy for people with convictions, and two individuals with experience working in prison education/training and reintegration services for individuals with criminal convictions. The authors offer their sincerest thanks to those who contributed their valued insights to this report.

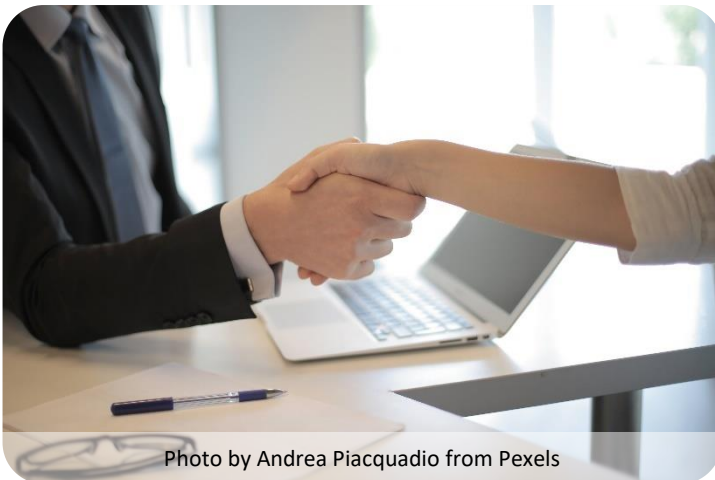


Photo by Andrea Piacquadio from Pexels

University of Saarland conducted five interviews with prison staff, who are working in direct contact with prison inmates. The group of interviewees included two psychologists, two social workers and one educator, who were willing to give us their insights about potential psychological hurdles and didactical recommendations for an

entrepreneurship course to be conducted in prison environments. The authors also thank them for their contributions.

During the same timeframe, European Strategies Consulting interviewed ten individuals with knowledge on the Romanian prison context and entrepreneurship opportunities. Due to the difficulties of tracking former prisoners who started a business, the experts from ESC interviewed prisoners (both men and women) who are planning to start a business or become self-employed. This strategy yielded tremendous insights into their motivations and expected challenges. At the same time, the team interviewed five representatives of Romanian correctional services. As such, interviews were conducted with members of re-entry and education staff in Jilava and Târgșor prisons (which host both male and female prisoners), one representative of the National Administration of Penitentiaries, and one probation counsellor. Finally, interviews were conducted with people working in social enterprises and NGOs who support former prisoners in securing (self-)employment after release. The authors again extend their gratitude to all of the interviewees for their valued contributions.

2. Profile of the Criminal Justice System in Ireland



2.1. Criminal Justice System and Court System in Ireland

The criminal justice system in the Republic of Ireland was only formed following the state's independence from Britain in 1922. There are five distinct types of court in Ireland: District Court, Circuit Court, Central Criminal Court/Special Criminal Court¹ (three sitting judges without a jury), Court of Appeal and Supreme Court. Criminal offences in Ireland can be tried as summary offences, which are heard by a judge sitting without a jury at a lower court (i.e., the District Court), or indictable offences, which can or must be heard by a judge and jury in higher courts (e.g., the Central Criminal Court). The prison and probation systems in Ireland are organised as two separate agencies under the Department of Justice: The Irish Prison Service and The Probation Service. The Republic of Ireland's prison population stands at 4,312 inmates (as of 2nd of November 2022; Irish Prison Service, 2022). The rate of imprisonment in Ireland is approximately 84 per 100,000 of the general population (as of October 2022; World Prison Brief, 2022). The age of criminal responsibility in Ireland is 12 years of age (10 years of age for murder, rape, and aggravated sexual assault).

2.2. The Prison System

There are 12 institutions in the Irish Prison System, including 10 traditional closed institutions and two open centres with minimal internal and perimeter security (Irish Prison Service, 2020). The Irish Prison service deals with male and female offenders who are 18 years or older. A child aged 10-16 years can be detained at Oberstown Detention Centre and if still detained by 18 years old, they are transferred to an adult prison. The majority of female prisoners are housed in the Mountjoy Dóchas Centre with the remainder housed in Limerick Prison. Portlaoise Prison is the only closed high security prison and houses adult males who are committed to prison on remand, pending trial or under sentence by the Special Criminal Court. Please see Annex 1 for a map of the prisons in Ireland.

¹ "This court mostly deals with criminal charges involving terrorist organisations, and more recently, charges relating to organised drug activities. The court was established by the Government to hear cases that the ordinary courts might be unable to deal with, because of fears of the possibility of jury intimidation. Its establishment was provided for by The Offences Against the State Act 1939." (courts.ie, 2022)

As of November 2020, there were 3,059 sentenced prisoners, with 360 (11.8%) of those serving life sentences and 251 (8.2%) serving sentences of 10 years or more (Irish Prison Service, 2020). On March 16th, 2020, due to the Covid-19 crisis, amendments were made to the conditions for Temporary Release for prisoners serving up to 12 months in prison and who were deemed to be either no or low risk to communities. This led to a reduction in the prison population of over 500 prisoners or 14% between March and mid-June of 2020 (Irish Prison Service, 2020).

In their annual Progress in the Penal System (PIPS) Report (2021), the Irish Penal Reform Trust (IPRT) found that cell-sharing remained a common practice in Irish prisons between 2017 and 2021, despite single cell accommodation being listed as a long-term objective of the Irish Prison Service. The Irish Prison Service was also far from achieving the standard of 12 hours out-of-cell time per day for people in prison and solitary confinement remained a common practice across the prison estate in 2017-2021 (PIPS Report, 2021).

2.3. Prison Demographics

The prison population rate in Ireland rose steeply between 2008 and 2010 with a high of 94 per 100,000 (World Prison Brief, 2022). Although the population rate declined gradually between 2012 and 2016, there has been a steady increase between 2017 and the second quarter of 2022 where it currently stands at 84 per 100,000 (World Prison Brief, 2022). Of the prison population in Ireland, approximately 4.5% are female (as of October 2022; World Prison Brief, 2022), 0.9% are juveniles or minors, and 15.1% are foreign (both as of January 2021; World Prison Brief, 2022).

In 2020, the average age of male persons committed was 33 years and the average age of female persons committed was 35 years. According to the Central Statistics Office (CSO, 2021), 6 out of 10 (61.7%) prisoners released from custody in 2015 re-offended within three years. The rate of reoffence was higher among younger age groups, with 84% of released prisoners aged under 21 reoffending within three years of being released in 2015 (CSO, 2021). Although the majority of those released from custody in 2015 were males (93%), women were more likely to reoffend than men (66% vs 61%) within a three-year post-release period (CSO, 2021).

Of all sentences handed down in 2020, the most common sentence length was 3 to <6 months (n=1,023) and the most common offence groups were theft and related offences (n=716) and offences against government, justice procedures and organisation of crime (n=552). In Ireland, minor convictions (i.e., a minor motoring or public order offence that is tried in the District Court) become spent after 7 years from the date the sentence became operative (Citizens Information, 2019). During 2020, the average annual cost of an available staffed prison space was €80,445 (Irish Prison Service, 2020).

As of February 2020, the participation rates in education across the prison estate was approximately 42% (PIPS Report, 2021). This was prior to the Covid-19 pandemic which led to the closure of prison schools. Prisoners were not able to engage in any face-to-face participation from approximately mid-March to the beginning of June 2020 and the beginning of January to mid-April 2021 (PIPS Report, 2021). Prisoners were provided access to education modules that were aired on in-cell TVs and a small cohort of students (those engaging in Open University courses) were provided with in-cell laptops to continue their education online (PIPS Report, 2021). Educational materials (e.g., library books, workbooks, writing materials) were coordinated and delivered to the cells (Irish Prison Service, 2020). Multiple interviewees attested to the issue of limited to no internet accessibility within prisons and one educator described the difficulty in designing blended e-learning programmes due to the limited availability of technological devices (i.e., laptops, computers).



Photo by Content Pixie from Unsplash

The Prison Education Service is staffed by 220 teachers who provide educational services ranging from basic literacy, language and numeracy programmes to state examinations, Open University and QQI courses (Working to Change, 2020). In 2018, there were 57 prisoners who completed Open University courses, with no statistics published since (PIPS Report, 2021). In 2021, the Mountjoy Prison – Maynooth University Partnership was launched to promote access to third level education in prison and develop shared learning spaces for students in prison and students in university (Maynooth University, 2022). There are also prison workshops where inmates can receive certification for various trades including construction, woodworking, metalwork, catering, etc.

The prison estate also offers non-accredited programmes and training including the Gaisce Awards Scheme², the Irish Red Cross Community Based Health and First Aid programme³, the Shelton Abbey/Dogs for the Disabled-Buddy Dog programme, Bikes for Africa Project, and Prisoner Peer Mediation. A regime management plan was introduced in all prisons to ensure that resources are directed to prisoners who wish to engage in constructive out-of-cell time (i.e., work and training, education, therapeutic services) and that other prisoners have the opportunity to avail of out-of-cell time for exercise and recreation (Dail Eireann Debate, 2019).

2.5. Entrepreneurship and Self-Employment Supports for Prisoners and Ex-Prisoners

In 2020, the Department of Justice (in association with the Irish Prison Service and the Probation Service) published the strategy document 'Working to Change - Social Enterprise and Employment Strategy 2021-2023'. The document identifies three strategic areas of focus: (1) **social enterprise employment options**; (2) **general employment options**; and (3) **entrepreneurship**. Under the entrepreneurship area, a number of key actions were highlighted that included: (1) establishing a dedicated entrepreneurship network; (2) introducing an insurance underwriting scheme designed to remove barriers to securing public liability insurance by people with criminal records; (3) offering financial supports for entrepreneurship undertaken by those who have criminal convictions; and (4) establishing a network of business mentors for those engaged in the criminal justice system who wish to become self-employed (Working to Change, 2020).

In 2017, the Prison Entrepreneurship Programme, loosely based on the Texas PEP model, was piloted in Wheatfield Prison in Ireland. This in-prison, classroom-based business development and mentoring programme ran for four years (2017-2020). The programme lasted 16 weeks with two hours of classes every week. Each session, which was led by business experts, focused on different practical elements of setting-up a business including how to write/develop a business plan, process of registering a company, responsibilities associated with running a business, etc. Under the 'Working to Change' strategy, there is an ambition to expand PEP to all prisons that have the

² A self-development programme for people under the age of 26 years.

³ Inmates are trained up as volunteers in first aid and community health assessment. Ireland was the first country in the world to introduce this programme within a prison setting. <https://www.redcross.ie/programmes-and-services-in-ireland/prison-programme-community-based-health-first-aid/>

capacity to deliver it, as well as targeting specific groupings such as females, members of the Traveller community, and people with disabilities (Working to Change, 2020).

2.6. Probation System and Services

In Ireland, the Probation Service, on behalf of the Department of Justice, has the objective of helping offenders desist from reoffending and managing their involvement in the community. In 2020, there were 15,537 offenders supported in the community and 162,829 hours of community service work undertaken (Probation Service, 2020). The top six offences resulting in referral to the probation service were drug offences, theft, assault, public order, road traffic and burglary (Probation Service, 2020). A duration of 12 months was the most frequently imposed probation order and 71-100 hours was the most frequently imposed community service order (Probation Service, 2020).

As of October 2022, there are 11,374 individuals under probation supervision, with 9,723 of those in the community and 1,651 in custody (Irish Probation Service, 2022). The Probation Service funds over 60 community-based organisations nationally to provide education, training, upskilling, employment supports, offending behaviour programmes, residential accommodation, and drug and alcohol treatment programmes to individuals on probation in the community (Working to Change, 2020).



Photo by William Fortunato from Pexels

3. Profile of the Criminal Justice System in Germany



3.1. Criminal Justice System and Court System in Germany ⁴

The Republic of Germany has a court justice system with a twofold structure. On the one hand, the overarching Federal Constitutional Court functions as the responsible institution that operates on the national level. On the other hand, due to the structure of the Federal Republic of Germany, the court system is also divided federally into courts. Jurisdiction is therefore exercised by federal courts and by the courts of 16 federal states (Bundesländer). The main workload of the administration of justice is done by the federal states.

The German court system is divided into five independent specialised branches or jurisdictions: First, ordinary jurisdiction exercises criminal jurisdiction and civil jurisdiction (including matters of voluntary jurisdiction). Second, labour jurisdiction is responsible for disputes arising from employment relationships, for disputes between the parties to collective bargaining agreements, and for disputes relating to the workplace constitution. Third, the general administrative jurisdiction is responsible for public law disputes of a non-constitutional nature. Fourth, the social courts are responsible for disputes arising from social law. Fifth, the fiscal jurisdiction is concerned with public law disputes in tax matters.

The courts of the Bundesländer are generally administered by the federal ministries of justice. At the federal level, the Federal Minister of Justice is responsible for the Federal Court of Justice, the Federal Administrative Court, and the Federal Finance Court. The Federal Ministry of Labour and Social Affairs is responsible for the Federal Labour Court and the Federal Social Court. The responsible ministries also administer the necessary budgetary resources. The only exception is the Federal Constitutional Court, which has been granted organizational autonomy as an independent constitutional organisation. It presents its own court budget for approval.

⁴ https://e-justice.europa.eu/content_judicial_systems_in_member_states-16-de-en.do?member=1

Regarding rates of conviction⁵, around 699,300 people were convicted by German courts with final effect in the year 2020. This was around 29,600 or 4.1% fewer convicted persons than in the previous year. But not all criminal proceedings in 2020 ended with a final conviction. This was the case among a further 153,300 persons, where the criminal proceeding ended, for example, with acquittal or discontinuation of proceedings.

3.2. The Prison System⁶⁻⁷

The German prison system consists of 179 institutions. Of these, around 40 describe themselves as being responsible, among other things, for the administration of juvenile sentences. The management of prisons is the responsibility of the respective federal states. With the exception of a few pilot projects in individual federal states, prisons are generally run by the state. The prison population rate is currently 71, that is 71 out of 100,000 of the total population (83.1 million) are imprisoned. Re-incarcerations account for 38% of the prison population. In North Rhine-Westphalia, Germany's most populous state, the cost per prisoner per day in prison is reported at €135.65 in 2017. The state of Baden-Württemberg puts the cost per prisoner and day of imprisonment at €130.38 in 2020.

The prison system in Germany fundamentally differs from those of other countries in the sense that the main objective of prison sentences is not only the punishment of the prisoners. More specifically there is a distinction between two aspects of the functions of prisons: On the one hand, prisons should indeed protect society from people who have a high probability of recommitting a crime. But on the other hand, prisons should also enable individuals during their imprisonment to live a life of “social responsibility of crime”. Therefore, prison conditions are generally designed in a way that allows more freedom and responsibility for the prisoners. This is evidenced by the fact that prison rooms are fitted with

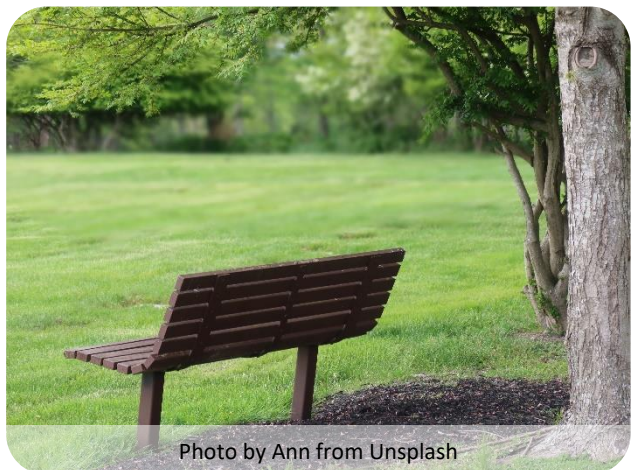


Photo by Ann from Unsplash

⁵ https://www.destatis.de/DE/Presse/Pressemitteilungen/2021/12/PD21_592_24311.html

⁶ Statistisches Jahrbuch 2019, state 30.11.2018

⁷ Verzeichnis der Vollzugsanstalten in der Bundesrepublik Deutschland, state 31.03.2022

interior equipment, like televisions, and also there are planned time slots in which prisoners are outdoors (Weisberg et al., 2011).

3.3. Prison Demographics⁸

The total number of prisoners and persons in preventive detention is currently 59,056 [ND1]. From a statistical point of view, the interesting numbers are the distribution between male and female offenders; the majority of prisoners are male, making up approximately 94% of the total population with 55,602 prisoners. Only 2,564 imprisoned persons are female, representing 6% of the total population. From a psychological point of view, an explanation for this phenomenon could be that men and women differ in certain personality characteristics, such as agreeableness. People who score high in agreeableness tend to behave altruistically and empathically. If an individual gets a low score on that personality trait, then behaviour in the form of exploitation or victimization of others will more likely occur. Therefore, one assumption is that the most disagreeable persons, who are more likely to show delinquent behaviour, are male, thus making up the overwhelming number of prisoners (Weisberg et al., 2011).

Analysis of the prisoner population by age (for execution of custodial sentences only) reveals that the population in prisons are normally distributed. This means that the largest proportion of people who are currently arrested are between the ages of 30 to 40 years. According to the current figures from Germany, this number is halved for the age intervals of 20 to 30 or 40 to 50 years. Again, this shows that age is a good predictor of delinquent behaviour as a lifetime negatively correlates with delinquent behaviour (i.e., that older people are less likely to engage in lawbreaking behaviour).

3.4. Educational Programmes and Training for Prisoners⁹⁻¹⁰

From a legal point of view, the German Penal Code (Strafvollzugsgesetz) distinguishes between three different forms of adult education programmes that are currently used in prisons. First,

8 Bestand der Gefangenen und Verwahrten in den deutschen Justizvollzugsanstalten nach ihrer Unterbringung auf Haftplätzen des geschlossenen und offenen Vollzugs, state 30.06.2021

9 R. Tippelt, A. von Hippel (Hrsg.), Handbuch Erwachsenenbildung/Weiterbildung, pp. 873-879

10 <https://www.leonhard.eu/>

employment-related training measures that aim to maintain or create an occupational livelihood, including vocational instruction. Second, the provision of participation in further training measures, including school-based education. Third, the development of social competencies, meaning concrete life support. In all areas, further education and social learning are dependent on concepts and experiences of general adult education (AE) and should be open to all prisoners who are suitable for it. Even though prisons have a duty to motivate prisoners to participate in educational programmes, prisoners themselves can decide voluntarily if they want to use these offerings or not. In addition to the possibility of participating in extra-occupational instructions like technical and vocational school, suitable and appropriately motivated prisoners are also given the opportunity to attend further school education, where they can aim to graduate with a secondary school completion certificate. Moreover, there is also the possibility of distance learning at the Distance Learning University of Hagen.



Photo by Kenny Eliason from Unsplash

In Germany, ELIS is a platform that provides prisoners with access to e-learning. The project was founded by 13 states of the Federal Republic of Germany and the Republic of Austria to create a central offering for digitally supported teaching and learning in the prison system. The platform offers a comprehensive media library with more than 400 different teaching and learning offerings, providing a total of several thousand materials for teaching and independent learning. In addition to (vocational) school materials, the platform also offers programmes for teaching media, social and everyday skills. The platform has been established in the German penal system since 2004. It can be accessed at over 1,200 learning stations in more than 120 correctional facilities via specially secured connections. The most frequently used programmes include basic education programmes and language courses, and also career orientation and learning programmes for vocational training.

Regarding Technology/IT in prisons¹¹⁻¹², prisoners in Germany do not have the right to own or use their own computers, use prison computers, or access the internet. In recent years, however, there

11 https://www.justiz.sachsen.de/esaver/internet/2018_064_IV/2018_064_IV.pdf

12 <https://www.rbb24.de/panorama/beitrag/2021/12/internet-jva-gefaengnis-senat-zuschlag-berlin.html>

have been small-scale pilot projects to allow this in some German states. In 2019, Saxony's Constitutional Court finally ruled that prisoners may not be denied blanket internet access. With its Resocialization through Digitization project, the German state of Berlin wants to be the first state to enable internet access in all prisons. However, the use of social media and streaming videos will not be possible. The project will start at selected prisons from mid-2022 to early 2023 and will eventually be expanded to the remaining locations. However, the use of smartphones and cell phones will continue to be strictly prohibited in correctional facilities.

3.5. Entrepreneurship and Self-Employment Supports for Prisoners and Ex-Prisoners



The non-profit company Leonhard gGmbH – Entrepreneurship for Prisoners offers a project in cooperation with Bavarian correctional institutions to support prisoners on their way into professional life or even self-employment. The project sees

success at work as an essential part of rehabilitation and focuses the programme on imparting entrepreneurial and economic knowledge. In the first phase, prisoners are taught economic and entrepreneurial basics, values, and key skills. In addition, they receive comprehensive personal training consisting of various workshops (e.g., Dealing with Resistance and Motivation or Group Dynamics and Leadership). At external events, the prisoners also have the opportunity to exchange ideas and network with people from business, politics and academia. Participants are provided with a laptop for writing their business plan. Students from the Munich University of Applied Sciences provide technical support for the conceptualization of their ideas. After completing the first phase of the programme, all participants receive a certificate and take an exam to become an 'Innovation & Business Creation Specialist'. The second phase of the programme starts when the prisoners are released from prison. To help them reintegrate into a life of freedom, the project coordinators work closely with partners. For example, the project arranges housing, debt counselling, socio-therapeutic services and, if necessary, addiction counselling. Each graduate is assigned a mentor who provides advice and support as he/she takes the first steps toward professional self-fulfilment, promoting his/her personal and professional development or connecting him/her with contacts of his/her own. The mentors are entrepreneurs and managers from the business world.

3.6. Probation System and Services¹³⁻¹⁴

Under general criminal law, custodial sentences may be suspended under certain conditions. Suspension on probation is possible either at the time of sentencing or after a part of the imposed custodial sentence has been served. In both cases, offenders are often placed under the probation service to help them integrate into society and prevent further offences. If a juvenile sentence or the execution of the remainder of a partially served juvenile sentence is suspended, placement under the supervision and management of a probation officer always takes place as well. Probation assistance is provided for in Section 56d of the Criminal Code. It states that:

"The probation officer shall assist and support the sentenced person. In agreement with the court, he or she shall monitor the fulfilment of the conditions and instructions as well as the offers and commitments and shall report on the conduct of life of the sentenced person at intervals to be determined by the court. The probation officer shall notify the court of gross or persistent violations of conditions, instructions, offers or undertakings."

Overall, the German prison system is rehabilitative-centred. Human dignity is very important which means that correctional officers and prison management are required to help the inmates better themselves.

¹³https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Justizstatistik/Bewaehrungshilfe/Bewaehrungshilfe_node.html

¹⁴ <https://dejure.org/gesetze/StGB/56d.html>

4. Profile of the Criminal Justice System in Romania



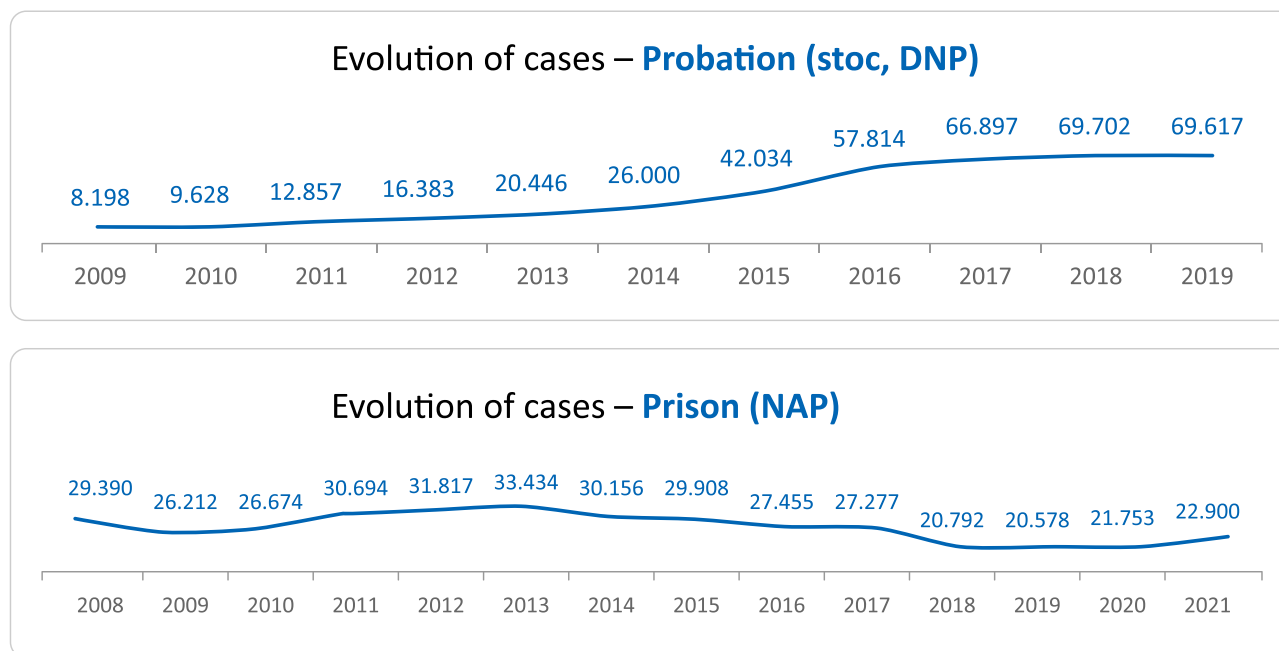
4.1. Criminal Justice System and Court System in Romania

Romania belongs to the continental law tradition, basing its sentencing on written laws and the Constitution. There are two types of sanctions: penal law sanctions and penal sanctions. The former has a more rehabilitative and preventive role, promoting educative and safety measures, while the latter combine deterrence, re-education, and prevention (Durnescu, 2014, p.157; Oancea & Faur, 2009). The age of criminal responsibility is 14, and the criminal majority is 18.

The Romanian prison and probation systems are two distinct institutions under the authority of the Ministry of Justice: The National Administration of Penitentiaries (NAP) and the National Directorate of Probation (NDP). In 2014, a New Penal Code was adopted, promoting a more flexible and less punitive legal framework, where punishments decreased, and community (non-custodial) sanctions and measures were promoted. Furthermore, under the new legal provisions, prisons for minors and juveniles and re-education were reorganised, and detention and educative centres were established (NAP, 2021).

Since adopting the New Penal Code, the prison population has continually decreased, except for the 2019-2021 period, where a slight increase was recorded. While the prison administration reports a descending trend in detainees, the probation system faces an incomparable inflow of people. In 2014, there were 26,000 people under supervision. The number doubled the following year, increasing steadily to nearly 70,000 people in 2019 (see Figure 1).

Figure 1: Evolution of cases in probation and prison



Source: National Administration of Penitentiaries. The National Director of Probation does not report annual data regarding people under supervision; data was collected from the SPACE II report. The number of people incarcerated and on probation are valid for the end of each year (December 31st), except for 2021, where numbers for November 30th are reported. The last available data for probation is in 2019. NAP data include people in prisons, hospital penitentiaries, detention centres, and educative centres.

4.2. The Prison System

At a national level, there are 34 penitentiaries, out of which one is exclusively for women. There are two educative centres, two detention centres, and six hospital penitentiaries.¹⁵ Custodial sanctions are executed in different regimes, including maximum security, closed, semi-open, and open prisons (see Table 1; also see Annex 2). At the end of November 2021, prisons in Romania accounted for 22,900 detainees at an official capacity of 17,779 places (Council of Europe, 2022).¹⁶ Of these, 8,530 (37.2%) were re-offenders, 6,344 (27.7%) had legal criminal records, and 8,026 (35%) had no criminal records. According to the Council of Europe (2022), the most significant problem of the Romanian prison system is overcrowding, although the rate of imprisonment has significantly

¹⁵ See Annex 1 for a map of prisons in Romania, according to type of prison and regime.

¹⁶ According to an ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT) in May 2021, the prison was operating at 127% of its capacity (Council of Europe, 2022, ft.54).

decreased. In each of the four prisons visited by CPT, most detainees were living in less than four square metres (CPT, 2022, p.40).

Table 1: Types of prison regimes (adapted from Law no. 254/2013; NAP, 2021)

Type of regime	Length of sentence	Accommodation	Facilities
Maximum security	Sentences higher than 13 years or life imprisonment	Usually, individual rooms	Detainees are under strict protection, supervision, and escort
			Detainees can work or attend cultural, educative, or therapeutic activities, psychological or social assistance counselling, school, or professional training in small groups under permanent supervision
Closed regime	Sentences between 3 and 13 years	Shared accommodation	Detainees can work or attend cultural, educative, or therapeutic activities, psychological or social assistance counselling, school, or professional training under supervision in small groups inside the prison and under supervision.
			With the approval of the prison director, detainees can work or attend cultural and educative activities outside prison under permanent protection and supervision.
Semi-open regime	Sentences between 1 and 3 years	Shared accommodation	Common spaces inside the prison are open during the day.
			Detainees can be left unaccompanied inside common spaces during the day.
			Detainees can work or attend cultural, educative, or therapeutic activities, psychological or social assistance counselling, school, or professional training under supervision in small groups inside the prison.
			Detainees can work or attend cultural, educative, or therapeutic activities, psychological or social assistance counselling, school, or professional training under supervision (including electronic monitoring) outside prison.
			Detainees can be left unaccompanied inside the prison

Open regime	Sentences lower than 1 year	Shared accommodation	Detainees can work or attend cultural, educative, or therapeutic activities, psychological or social assistance counselling, school, or professional training outside prison, without supervision.
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Besides overcrowding, the CPT report (2022) issues concerns related to poor living conditions, limited range of reintegration activities, staff shortages, healthcare (especially the limited availability of mental health services), ill-treatment of prisoners by prison staff, as well as inter-prisoner violence and intimidation. The CPT commission registered a “considerable number of allegations of physical ill-treatment of prisoners by prison staff [...] including by members of masked intervention groups” (CPT, 2022, p.5). Consequently, one recommendation was issued on staff supervision and training in control and restraint techniques. Furthermore, verbal abuse, especially racial, was frowned upon (*idem*).

CPT’s concerns and recommendations for social reintegration activities are important for the PREP project. Although the 2021 visit showed progress compared to the last visit in 2018, CPT argued that more needs to be done to provide prisoners with purposeful activities to prepare them for community reintegration (*idem*, p.6). The four prisons visited by CPT offered various behavioural courses such as addressing addiction, aggression, violence, and personal choices, but only to a limited number of detainees, due to staff shortages:

“The CPT recommends that the Romanian authorities increase their efforts to offer purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association) which are essential for preparing persons in prison for reintegration into the community as well as contributing to developing a more secure environment within prison. The aim should be for prisoners to spend eight hours out of their cells every day.” (CPT, 2022, p.47)

4.3. Prison Demographics

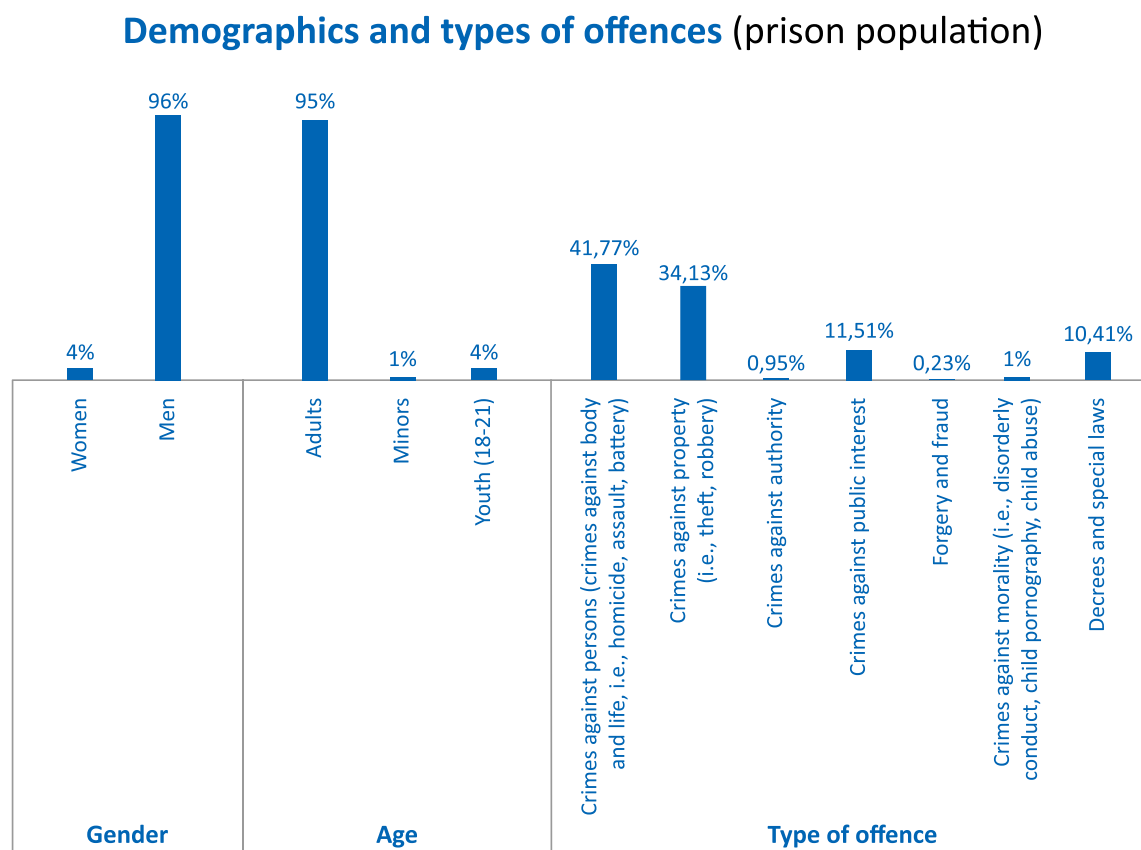
At the end of November 2021, the prison population amounted to 22,900 people, out of which 20,165 (88%) had a final sentence. Women accounted for 4% of the prison population (n=1024), and minors and youth accounted for 5% (see Figure 2; NAP, 2021). The average age of prisoners was 37, slightly higher than the median, which is 36 (Aebi et al., 2022).

Most offences are crimes against persons.¹⁷ They account for approximately 42% of the prison population. Second in number are crimes against property, such as theft or robbery, accounting for 34% of the incarcerated people. Figure 2 shows a statistical representation of the demographics available and types of offences. Most sentences range from 1 to less than 3 years (22.7%), from 3 to 5 years (25.6%), and 5 to 10 years (26.2%). There are no sentences less than three months (Aebi et al., 2022). The length of punishments is significantly higher than the European average, where most sentences (over 53%) are under three years.

At the end of 2021, Romania had a prison population rate of 113.5 per 100,000 inhabitants (Aebi et al., 2022). The European average is 116.1, with a median of 101.8 per 100,000 inhabitants. The rate is significantly lower than in 2011 (-23.1%). The rate of exits per 100,000 inhabitants is 49.2, lower than the European average of 129.3 per 100,000 inhabitants. The average amount spent per day for the detention of one prisoner is 46.50 Euros. By comparison, the average is approximately 185 EUR, and the median is 41.7 (*idem*).

¹⁷ These offences are commonly known in other jurisdictions as crimes against body and life, and include crimes such as homicide, assault, battery etc.

Figure 2: Prison demographics and types of offences (November 2021)



Source: National Administration of Penitentiaries. The number of people incarcerated is valid for the end of each year (December 31st), except for 2021, where the last report was issued in November 2021.

4.4. Educational Programmes and Training for Prisoners

At the end of 2021, 89 rehabilitation programmes were available in Romanian Prisons: mostly in education,¹⁸ psychological assistance programmes,¹⁹ and social assistance programmes (NAP, 2022).²⁰ According to the same source, in 2021, 340,970 attendances to programmes and activities for social reintegration were registered. In other words, each person attends, on average, 15 programmes and rehabilitation activities sessions in one year, which means a little more than one attendance each month.²¹

18 55 programmes, out of which 10 for minors, 2 for young people, 4 for women.

19 13 for special assistance, five for general supports, and four therapeutic communities

20 7 programmes and five types of social treatment groups

21 However, in 2021, some Covid-19 restrictions were still in place for group gatherings.

Educational programmes are mainly focused on developing the personal abilities of inmates, such as reading and writing, acquiring job skills or information about the legal and health system, and supporting family life. The education programmes have registered a high participation rate among inmates in the last three years (NAP, 2021) compared to psychological and social assistance programmes. Among these are programmes for developing social capital, improving relationships, and enhancing social networks. Such programmes include bringing employers into the prison where inmates can meet them during job fairs organised primarily for this target group, or visits outside of prison to work sites.

The psychological assistance programmes can be either general (for all prisoners to develop pro-social skills or problem-solving skills), or specific (addressing risks and needs, such as anger and aggression, suicide prevention, addictive behaviour, or sexual disorders). To attend these programmes, prisoners should have a recommendation from a psychologist. The level of



Photo by Cottonbro studio from Pexels

participation in this type of programme is significantly lower than in social assistance programmes.²² Finally, social assistance programmes can be implemented for a minimum of six weeks and a maximum of three months to enhance the personal and social skills of the inmates to maintain their relations with their families and community, and to prevent and address challenging situations. Similar to the psychological assistance programmes, a recommendation is necessary from the prison social worker.

In the 2021 annual report, the National Administration of Penitentiaries stressed its mission of developing an integrated system of measures aimed at social re-entry and prisoner responsibility, contributing to the individual development of detainees (NAP, 2021, p.14). For the Romanian prison system, the entrepreneurship programme that will be developed can be positioned as an integrated alternative to rehabilitative programmes. Its advantage is that it integrates a social assistance component, a psychological assistance component, and an educational one.

²² In 2021, 4574 inmates participated in psychological assistance programmes; inmates participated in 28,680 educative programmes (NAP annual report, 2021).

Different interventions are implemented at the end of the prison sentence and in preparation for release at least three months before release. Programmes and activities aim to prepare for (re)integration into the family, professional or educational spheres and recovery of the ties with the community. There are two programmes for prison release preparation; one is implemented solely by prison social workers and another jointly by the social worker and the probation counsellors, namely the programme Reducing the Risk of Reoffending. The novelty of this programme is that it was developed and piloted especially for the Romanian prison and probation services "to create the premise that the inmates can receive from competent authorities a coherent and timely response to their needs" (Durnescu et al., 2009). The programme has six sessions, and is run jointly by prison and probation staff, with the participation of various partners from the community (Porporino & Fabiano, 2002).

During the Covid-19 pandemic, a few technological and online solutions were implemented in Romanian prisons to facilitate social distancing and the health of prisoners and staff. Since visits were suspended, online visitation via Skype and videoconferencing with courts were allowed. In the educational sphere, the main digital solution was adopting

an online school. At this moment, there are no E-learning programmes implemented in Romanian prisons. Prisoners have access to computers in a shared space (usually named "club") and under supervision. The NAP representatives interviewed for this project explained that prison infrastructure does not allow more widespread access to computers. At the same time, safety measures do not allow access to the internet.

The solution used during the Covid-19 lockdown for educational programmes (such as formal education and educative programmes) was to organise them online. In practice, prison staff used a video projector:



Photo by Sigmund from Unsplash

"The teachers or instructors would be online, and we'd project them on a wall so that prisoners could see what they were showing. Prisoners would be grouped in front of a computer - that is, ten prisoners would share a computer. Not everyone had a laptop and could have one-on-one sessions with the instructor" (Prison Staff, Educational Service).

At the moment, Jilava prison, for instance, runs a data operator course which gives participants access to computers; video projectors are still used for prisoners to see the instructor.

Interviews with representatives from the National Administration of Penitentiaries revealed that the pandemic expedited the adoption of digital solutions to deliver educational programmes. The National Agency for Employment offered professional training online, especially the theoretical segments of each training. Furthermore, although limited when compared to other correctional systems, there is a technical infrastructure in place that could be used for online courses, and the NAP expresses its willingness to make it available for reintegration and educational programmes.

4.5. Entrepreneurship and Self-Employment Supports for Prisoners and Ex-Prisoners

Although there is a rich offering of programmes and training for prisoners, this report refers only to those that tangentially touch upon entrepreneurship and self-employment supports for prisoners. The educational offering for prisoners incorporates a few programmes of professional training and preparation for employment, including psychological programmes. While in prison, individuals can participate in a job fair where they can meet potential employers and, depending on their incarceration regime, visit employment sites. At the same time, prisoners have access to a range of psychological programmes that assist them in developing leadership abilities and acquiring the basics of financial education.

Entrepreneurship and self-employment are included in the general programme of preparation for release. Before release, prisons in Romania organise either Reducing the Risk of Reoffending or the Prolib programmes for exiting prisoners. The latter is a multi-modal and multidisciplinary course organised by a social worker, an educator, and a psychologist. It includes an optional session on how to become self-employed or initiate a business. According to the manual, the session can be organised with the assistance of a National Unemployment Agency representative or an entrepreneur. Participants in the course learn the legislation on how to open a business and are invited to imagine their ideal job or how to advertise their business.

Think for the Future is a more intensive programme addressing the need for employment. The programme aims to build entrepreneurial skills for participants, learn to prepare a business plan, and meet successful entrepreneurs. The programme was piloted and finalised between 2010-2011. The persons with a remaining sentence of one year or longer can attend the educational programme for 20 weeks. The programme is structured in three phases: (1) an introductory and evaluation phase (two weeks), where participants familiarise themselves with the basic notion, evaluate and discover new skills; (2) a discovery phase (10 weeks), where participants develop skills and competencies and meet local entrepreneurs; and (3) a planning phase (8 weeks), where participants develop their business ideas, and develop a business plan.²³ After the course, prisoners receive a certificate and prison credits. According to the representatives of NAP, the programme is no longer implemented in prisons because of its long duration and the wide range of experts that need to be mobilised to teach the course.

4.6. Probation System and Services

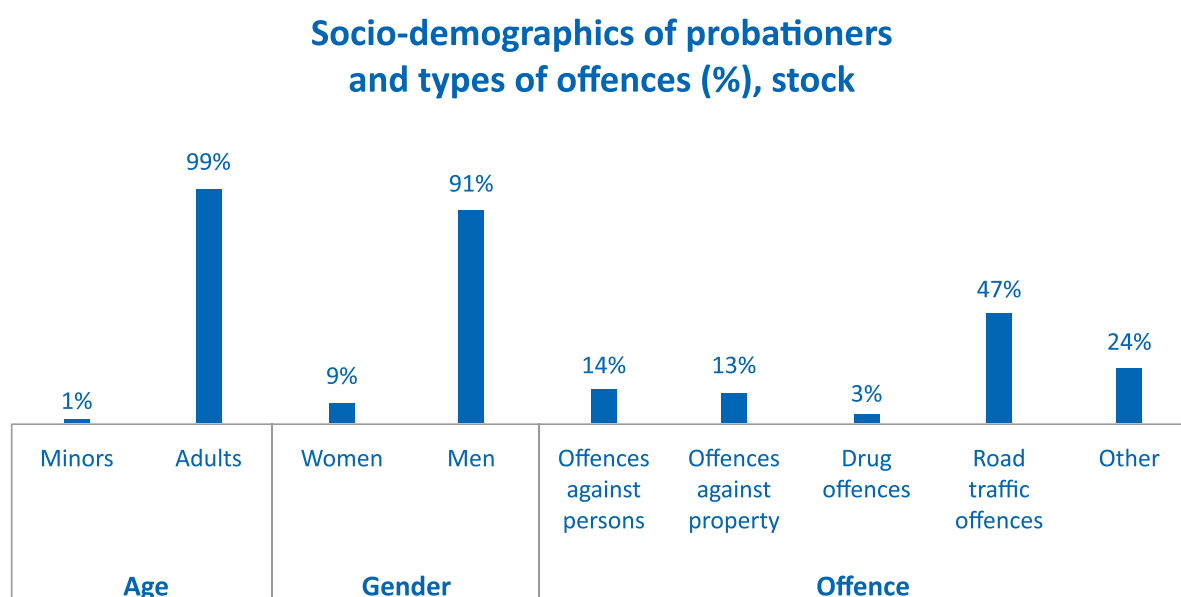
The probation system is organised as an autonomous institution under the supervision of the Ministry of Justice. Under the central office, 42 county services operate. Probation services implement sanctions such as supervision, postponement of penalties, community work, and conditional release. Community supervision aims to ensure the "social rehabilitation of offenders" through community sanctions and measures following European practices and standards designed by the Council of Europe. The first basic principle of the European Probation Rules (2010) is reflected in the probation law, which sets the grounds for intervention as a continuum of supervision measures and assistance developed with the offenders' contributions where they have an active role in their rehabilitation process.

At the end of January 2020, there were 69,812 people under the supervision of probation agencies (Aebi & Hashimoto, 2021), 637 on conditional release, and 26 on home arrest (curfew orders). The bulk of probationers was serving fully suspended custodial sentences with probation. The probation population rate per 100,000 inhabitants is 357.4. The European average is 218.7% and the median is 154.3%. The rate of exits was 172.7 (European average 190, and median 132.1). More than half of probationers were convicted for road traffic offences (see Figure 3, adapted from Aebi &

²³ See Annex 3 for more information on the programme.

Hashimoto, 2021). The main problem of the probation system is related to the ratio of probationers per staff member, which is a little higher than 120.

Figure 3: Socio-demographics and types of offences



Source: SPACE II report, 2020. The percentages are valid for January 30th, 2020. The Romanian National Directorate of Probation does not issue public statistics.

Currently, 13 programmes and interventions are available at the probation system level.²⁴ Twelve have been designed under various funding streams from the European Union, the Government of the Netherlands, or Norway. Only one programme aiming to prevent road traffic offences was developed with the resources of the probation service and in partnership with the police.

According to the descriptions available, the programmes are based on a cognitive behavioural approach, social learning theory and desistance. These interventions are tailored mainly for group work and are based on the Risk-Needs-Responsivity paradigm (Bonta & Andrews, 2010). In the context of policy transfer and as an example of unified interventions among European countries, the programme Anger Management was developed to support the implementation of the Council Framework Decision 2008/947/JHA. It is envisaged that each probation service will establish an office specialising in reintegration programmes. However, to date, these structures are not in place.

²⁴ The list can be consulted at: www.probatune.just.ro

5. Post-Release Challenges for People with Criminal Convictions

Research and literature are replete with evidence regarding the obstacles in the re-entry process that usually hamper the social, personal, judicial, and moral rehabilitation of former inmates. In most cases, these obstacles are intersectional, which means that rarely are former inmates affected by only one type of challenge.

Social adjustments to life outside of prison, such as unresolved addiction or physical/mental health issues, lack of education and training, and socioeconomic characteristics of the environment to which the individual returns have been formulated in the literature as obstacles to re-entry (Stahler et al., 2013). Due to the stigma attached to incarceration, imprisonment limits a person's access to employment (Schmitt & Warner, 2011). The link between these challenges suggests that the social strain experienced by former inmates may manifest as recidivism if the accumulation of human and social capital is not promoted.

Lack of essential resources, such as housing, transportation, official identification documents, limited financial income and employment opportunities (Kirk, 2016), make social tensions most acute during the initial phase of re-entry. Former inmates that maintain contact with family members while incarcerated have positive employment outcomes by using social networks to facilitate employment opportunities and financial support (Anderson-Facile, 2009; Berg & Huebner, 2011; Visser et al., 2011; Visser & Kachnowski, 2007).

Also, previous research suggests that family ties are essential in the re-entry process - including visitation during incarceration and immediate assistance in the early stages of the release (Bales & Mears, 2008; Berg & Huebner, 2011; Christian et al., 2006; Kirk, 2016; Mills & Codd, 2008; Rose & Clear, 2003; Travis et al., 2014; Wolff & Draine, 2004). However, the period of incarceration may limit pro-social ties, thus contributing to the importance of visitation during incarceration for accumulating or maintaining social capital (Bales & Mears, 2008; Christian et al., 2006; Clear et al., 2001).

Obtaining housing can be a daunting experience for most former inmates. After release, most of them live with a family member or a friend, often as a transitional arrangement (Anderson-Facile, 2009). If family or friends do not provide support in obtaining housing, there are few alternative options (Thompson, 2004). According to a study by La Vigne et al. (2003), before release, almost half of the respondents expected to live with a family member (47%). The research shows that prior housing expectations were met by 73% of respondents who currently live with a parent, spouse, or partner. Specifically, La Vigne et al. (2003) found that 5% of respondents reported difficulties finding suitable accommodation after release. Hence, obtaining housing is another area of worry for freshly released inmates. Typically, former inmates return to the community from which they came before incarceration; however, those with long-term detentions may have severed ties with their families and cannot return to the same residence (Bales & Mears, 2008; Travis & Petersilia, 2001). For prisoners re-entering society without having a home to which they can return, affordable housing units are frequently found in violent and impoverished neighbourhoods (Maidment, 2006), which immediately exacerbates the challenges ahead.



Another challenge is that former inmates have limited financial resources and accumulated debt (Visser et al., 2004). The primary sources of income come either from work done while in prison or from family. Therefore, financial stability can be a significant difficulty for former inmates. Once released, they return to a society where success is dependent on their ability to earn the money necessary to support themselves and sometimes their families. Some rely on their families for financial support more than expected before their release (La Vigne et al., 2008). Others have lost all ties with their families and need other support networks. This disconnection can be detrimental to the success of social reintegration, as lack of access to a positive environment often leads to re-offending.

Additionally, the lack of identity papers is a barrier for many released inmates, as documents such as driving licences, identity cards and birth certificates are no longer in their possession or have expired. The costs associated with obtaining new documents can also be a barrier for some (La Vigne

et al., 2008). Also, identifying the institution and the documentation needed is perceived as a significant obstacle after release. Although online applications can be made for some documents, the individuals must have a valid address, a credit card and basic computer skills. Official identification documents are a requirement for long-term reintegration and obtaining employment and housing (La Vigne et al., 2008).

Obtaining housing and employment are interlinked. Difficulty in securing accommodation affects the ability to obtain employment because when someone applies for a job, an address and telephone number are required (Thompson, 2004). Employment is one of the essential elements in preventing recidivism among former offenders. Incarceration lowers the variety of potential jobs because career positions demand trust, basic and soft skills, and substantial social and human capital, making it difficult for those with criminal records to reach the labour market (Western, 2006). Durnescu (2019) found that self-stigmatisation is an issue experienced by ex-prisoners who seek employment. Their low self-esteem, combined with their perception of weak labour market prospects, leads to a self-stigmatising attitude where they refrain from engaging with potential employers (Durnescu, 2019). As a result of limited opportunities, former inmates are forced to choose low-paying jobs with little prospects for growth, less incentive to comply, and are more prone to engage in illegal behaviours (Harris & Keller, 2005; Travis & Petersilia, 2001).

In addition, a history of substance abuse (Altschuler & Brash, 2004; Mallik-Kane & Visser, 2008; Visser & Courtney, 2006) and mental and physical health conditions (Altschuler & Brash, 2004; Bucklen & Zajac, 2009; La Vigne et al., 2003; Mallik-Kane & Visser, 2008; Paul & Moser, 2009; Rosenthal et al., 2012; Visser et al., 2004) undermine the re-entry process by making it more difficult to access social and human capital resources. When inmates are released from prison with mental health issues, their family is less likely to provide material and emotional support. This can be due to both the inmate's substance abuse and the family's history with it (Mallik-Kane & Visser, 2008). Furthermore, returning inmates with serious mental illness are more likely to experience homelessness (Roman & Travis, 2004) and face more challenges in securing employment (Baillargeon et al., 2010).

Gender and ethnicity also shape post-release experience. Calverley (2015) demonstrated that ethnic minorities experience the journey differently back into society based on their cultural traditions, religion, and social networks. Comparing Indians, Bangladeshis, Blacks, and those with dual heritage,

Calverley (2015) noted significant differences in terms of attitude towards crime and criminals and desistance trajectories. Indian and Bangladeshi families support their incarcerated kin throughout their re-entry journeys by providing financial and social resources or fostering forgiveness and hope. Black and dual heritage former inmates engage in a less populated pathway, as their families are more absent, making their re-entry journey an individual journey towards personal improvement through voluntary work or vocational training. In the specific case of Romania, social and economic marginality in Roma communities, coupled with a relatively low level of education and vocational training, make the range of legal opportunities available to the community very narrow (Durnescu et al., 2016). Nevertheless, for many Roma people limited employability opportunities are a pathway to self-employment or entrepreneurship.



Comparative research on men and women offenders reveals that reintegration is gender-responsive. In other words, penal policies should address the different experiences men and women have and adjust re-entry practices in respect of these differences. This is yet to be the case since correction systems are designed with the male population in mind, rendering women's experience

within the criminal justice system invisible (Boehm et al., 2005; Spjeldnes & Goodkind, 2009; Wright et al., 2012). The profile of female offenders shows that they are less likely to be involved in violent crimes but are more likely to be involved in drug-related offences, followed by forgery or fraud offences, and property offences (Wright et al., 2012). At the same time, female prisoners are more likely to come from socioeconomically marginalized backgrounds and have histories of victimization, abuse, substance use, mental health problems, and traumatic relationships, even more so than their male counterparts (idem). These differences may point towards more rehabilitation programmes addressing these needs and targeting drug and alcohol treatment, mental health programmes, victimization and trauma-related services.

In conclusion, the post-release experience is shaped by the local cultures, legislation, or institutional arrangements. The existence (or lack thereof) of post-release supervision and how it is designed can significantly impact post-penal trajectories. Moreover, the literature stresses the need for comprehensive re-entry strategies rather than specific programmes, which should involve multiple

actors, many of whom are not usually associated with re-entry, such as public health, local businesses, and NGOs. The coordinated efforts of these organisations may improve prisoner social reintegration, not only as a means of reducing recidivism but impacting individual well-being and success in obtaining employment, reducing substance use, and improving health (Lattimore & Visser, 2013, p.275-276).

Therefore, although needs such as employment, accommodation, belonging, and mental health are quite common among former prisoners, the context may define them in terms of depth or order of priority. Furthermore, their human or social capital will dictate the resources that different actors can mobilise.

6. Motivations of People with Criminal Convictions who Intend to Start a Business

Entrepreneurship is particularly prevalent among individuals with criminal convictions, which may be due to individual level factors, such as a person's predisposition for entrepreneurship, as well as larger structural forces, such as barriers to mainstream employment (Hwang, 2022). A study from Sonfield et al. (2001), which compared a sample of inmates to both entrepreneurial and non-entrepreneurial groupings, found that inmates demonstrated a higher entrepreneurial aptitude than managers, normative and slow-growth entrepreneurs, but a lower aptitude than high-growth entrepreneurs. Fairlie (2002) found that young drug dealers are 11 to 21 percent more likely to choose self-employment in later years than are young non-drug dealers. This led Fairlie (2002) to theorise that drug dealers possess entrepreneurial characteristics, such as low levels of risk aversion, preference for autonomy and high levels of entrepreneurial ability, that are positively associated with future self-employment. A study by Levine and Rubinstein (2017) found that people who engaged in illicit activities in their youth were more likely to become and succeed as incorporated business owners. Thus, there is direct and indirect evidence to support the idea of an entrepreneurial propensity among people with criminal convictions.

However, structural barriers must also be factored in. Similar to other minority groups, people with criminal convictions are more often driven towards entrepreneurship as a result of necessity or "push" motivations (i.e., difficulty in securing employment) rather than opportunity or "pull" motivations (Smith, 2021). People with criminal convictions who find themselves on the margins of mainstream society may be compelled to start a business and make a legitimate living (Rieple, 1998). Moreover, this cohort face significant challenges in securing mainstream employment due to discrimination from employers (Cooney, 2012). Those employers willing to hire ex-offenders generally offer entry-level jobs with little chance of promotion to positions of responsibility (Keena & Simmons, 2015). An individual's likelihood to undertake entrepreneurship is influenced by a multitude of country-level factors, including the degree of labour market discrimination and quality of the social welfare system. For instance, Downing (2012, p.344) found that Bolivian prison entrepreneurship was necessity based as "there are no other options for employment, and there is

also no safety net or welfare system to support the prisoner should he find himself without income”.

In conclusion, it is important to acknowledge that motivations for engaging in entrepreneurship are shaped by the individual and his/her structural and institutional context. Ideally, individuals are driven or pulled towards entrepreneurship (i.e., exploiting an entrepreneurial opportunity), but the reality is that entrepreneurship is still largely necessity-based among people with criminal convictions as they face limited alternative options for employment and wealth creation.



Photo by Andrea Piacquadio from Pexels

7. Challenges for People with Criminal Convictions who Intend to Start a Business

Ex-offenders with intentions to start a business face additional challenges to mainstream entrepreneurs (Cooney, 2014). Rieple (1998) summarised the factors that impact prisoners' abilities to engage in entrepreneurship as follows: a lack of suitable contacts/ role models, a lack of financial support/credit history, difficulty in presenting oneself to the bank, poor educational and literacy abilities, stigma attached to having a record, severe low self-confidence, lack of follow-through, persistence or dedication, and problems relating to the dulling effects that prison exerts on some individuals.

The barriers to entrepreneurship for people with criminal records revolve around the lack of access to human, financial, and social capital, which are all core to establishing a business (Hwang, 2022). In terms of human capital, individuals may lack the knowledge and skills to engage in entrepreneurship (Hwang, 2022). A large proportion of the prison population have low levels of educational attainment; it is estimated that 3 to 5% of European prisoners would be qualified to undertake higher education (Costelloe et al., 2012). Members of this population may have limited access to essential business skills and knowledge or in gaining work or managerial experience (Hwang, 2022).

Individuals may also lack access to financial capital due to discrimination on behalf of financial lenders, and not having a credit history or bank account (Centre for Entrepreneurs, 2016; Hwang, 2022). In the US, individuals involved in the criminal justice system are disproportionately low income and indebted, due to legal financial obligations and child support (Harper et al., 2021). Individuals also lack social capital in terms of access to business networks and role models (Hwang, 2022). In Ireland, the Working to Change Strategy (2020) highlighted that a significant barrier to self-employment for ex-offenders was access to and cost of insurance.

Furthermore, ex-offenders suffer disproportionately from health and addiction problems and often have difficulty in securing housing and accommodation, which, in turn, adversely affects the founding and running of a business from home (Centre for Entrepreneurs, 2016). Ex-offenders may

also be disincentivised to engage in self-employment by the ‘welfare benefits trap’ and the need to declare convictions to insurers and property landlords (Centre for Entrepreneurs, 2016).

As such, entrepreneurs with criminal convictions face a myriad of additional and distinctive challenges from their non-convicted counterparts. Any business programmes and supports targeted towards this population should tailor their offering to reflect these barriers. Furthermore, state-level interventions are needed in order to level the playing field and to ensure that entrepreneurship is a viable option for individuals with criminal convictions.



Photo by Andrea Piacquadio from Pexels

8. The Value of Entrepreneurship E-Learning Training within the Criminal Justice System

Entrepreneurship is increasingly recognised as a viable alternative to mainstream employment for people with criminal records (Hwang, 2022; Hwang & Philips, 2020). This is primarily due to the major barriers faced by individuals in accessing the mainstream labour market (see previous section). Studies have highlighted the prevalence of entrepreneurship among people with criminal convictions. In the US, Hwang and Philips (2020) estimated that incarcerated people are 41% more likely to become entrepreneurs than non-formerly incarcerated individuals. Based on IRS and Criminal Justice Records in the US, Finlay et al. (2022) found that 28% of individuals with criminal records are self-employed. In the UK, survey results show that 40% of ex-offenders and 42% of prisoners have started a business/been self-employed and 71% of ex-offenders and 79% of prisoners have an interest in starting their own business or becoming self-employed²⁵ (Centre for Entrepreneurs, 2016).

Studies have highlighted the benefits of entrepreneurship, including the offer of greater economic mobility and prosperity for individuals with a criminal record and the reduction of recidivism rates. A European study from Kacperczyk and Rocha (2021) examined a deregulation reform programme, which significantly increased entrepreneurial activity, to assess its possible impact on community crime. Although the focus of this study was not on recidivism, it did provide indirect empirical evidence that reducing barriers to entrepreneurship leads to a reduction in community crime due to immediate labour market integration of young uneducated men (Kacperczyk & Rocha, 2021). In the US, Hwang and Philips (2020) found that entrepreneurship decreases the recidivism rate by 5.3%, which is a 32.5% decrease from the average recidivism rate for formerly incarcerated individuals in employment. Moreover, the authors found that entrepreneurship can offer higher annual earnings than employment, with formerly incarcerated entrepreneurs earning only \$4,300 less than non-formerly incarcerated entrepreneurs, compared with their employed counterparts who earn \$7,000 less than non-formerly incarcerated employees (Hwang & Philips, 2020).

²⁵ Based on results of a survey conducted with 95 prisoners and 158 ex-offenders.

Whilst there are significant benefits to entrepreneurship, the viability of this pathway requires tailored support that addresses the significant personal and structural challenges encountered by aspiring entrepreneurs with criminal convictions (Hwang, 2022). A favourable policy environment with government subsidies and supports are necessary to address some of the structural barriers around access to finance, business networks and insurance (e.g., Ireland's Working to Change Strategy). In addition, the provision of in-prison entrepreneurship programmes is also necessary in promoting entrepreneurship as a viable alternative to mainstream employment (Centre for Entrepreneurs, 2016; Cooney, 2014). Furthermore, entrepreneurship education within prisons may help to address the dearth of human capital (i.e., business skills and knowledge) among the prisoner population (Hwang & Philips, 2020).

The most highly lauded benefit of in-prison entrepreneurship programmes is the reduction in recidivism rates (Hill, 2022; Sauers, 2009; Sonfield, 2009). One such renowned initiative is the Prison Entrepreneurship Program (PEP) in Texas (USA) which reported an 8.3% three-year recidivism rate compared to the national average of almost 50% (pep.org, 2022). The Leonhard Prison Entrepreneurship Programme in Germany reported that 87% of its graduates do not reoffend (i.e., return to prison) within a post release period of three years, which is a 41% decrease on the national average (Leonhard.eu, 2019). The Startupnow for Women Project in the UK has a 1% reoffending rate among the 348 female ex-offenders who have set up their own business as a result of the programme (startupnow.org.uk, 2020). A UK report (Centre for Entrepreneurs, 2016) calculated the potential public savings as £1.4bn per annum, and a lowering of the recidivism rate to 14% (compared to 46% nationally) if an entrepreneurship programme was made available to every pre-release prisoner.

Although the argument in offering entrepreneurship educational programmes to prisoners is compelling, the adoption of such programmes is not widespread throughout Europe (IPAG Business School, 2021). The most prominent in-prison programmes include the Leonhard Prison Entrepreneurship Programme in Germany and the Enterprise Exchange Prison Entrepreneurship Programme and Start-Up programme in the UK. A non-exhaustive list of entrepreneurship programmes both across Europe and the US are detailed in Annex 3. The majority of in-prison entrepreneurship programmes are class-based and delivered in-person. More recently, there has been an emergence of online offerings such as Enterprise Exchange's remote online self-employment programme (the UK), the Emergence programme from The Cnam Foundation (France)

and the Erasmus EPEP platform (pan-Europe). These programmes use digital teaching tools and methods to support participants via blended (face-to-face and online) learning. At an EU level, e-learning has been recognised for its importance in developing prisoners' digital literacy competencies (Costelloe et al., 2012).

However, the few available in-prison educational programmes regarding entrepreneurship for prisoners have mainly focused on the business approach aimed at delivering basic knowledge on running a business. Academic research (e.g., Frese et al., 2016) has shown that in addition to the business approach, a psychological mindset approach to entrepreneurship training is fruitful in helping individuals to take entrepreneurial action. This approach may be particularly relevant to a student population that struggles with lower levels of self-efficacy, self-control and perseverance (see Section 9). It is also vital that any entrepreneurship education programme informs participants of the challenges they will face with a criminal record post-release (Centre for Entrepreneurs, 2016) (see Section 5). Thus, the PREP e-learning programme is unique in its integration of three modules pertaining to post-release challenges, developing the psychology/mindset for entrepreneurship, and generating business skills and knowledge.

It has been argued that traditional in-prison entrepreneurship programmes generally fail to follow-through with support that will allow prisoners to turn their knowledge about entrepreneurship into action upon release (IPAG Business School, 2021). It is widely accepted that for in-prison entrepreneurship education programmes to have successful outcomes, there needs to be through-the-gate support provided to individuals (Centre for Entrepreneurs, 2016; Hwang, 2022). Many prisoners have complex needs that must be addressed upon release such as securing accommodation and proper healthcare (see Section 5). The best entrepreneurship education programmes are likely to be those that offer *“wraparound services to ensure successful re-entry”* (Hwang, 2022, p.127). For instance, participants of the Texas PEP programme are offered transitional housing, basic assistance packages and further training in a 16-week entrepreneurship ‘eSchool’. Such a level of post-release support requires considerable funding and integration into existing support services. Although such a level of support is neither feasible nor within the scope of this project, an entrepreneurial coaching guideline for NGOs to enable individuals to follow through on their entrepreneurial endeavours post-release will be developed.

9. Developing the Entrepreneurial Mind-Set of People in Prison

The entrepreneurial mindset is frequently discussed in media and science as one of the most crucial factors for entrepreneurial success. An entrepreneurial mindset is defined by a set of cognitive belief systems that enable an individual to cope with and adapt to a dynamic, complex, and ever-changing environment (Naumann, 2017). Furthermore, it is a way of thinking that enables an individual to recognise and use opportunities without having full control over resources (McMullen et al., 2016). Entrepreneurship is accompanied by a great deal of uncertainty so that from a psychological point of view the question arises: What fundamental attributes or factors are in play that make people cope better with the challenging task of starting a business? Or as Naumann (2017) puts it: Why do some people identify opportunities and others do not?



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The more historical approach regarding how entrepreneurs differentiate from non-entrepreneurs was the trait-based theory. For a long time, the assumption has been that entrepreneurs are born with some inherent characteristics that cannot be developed through any formal or informal type of learning. However, this theoretical position found

inconsistent and weak evidence for the existence of these special traits (Busenitz & Barney, 1997; Mitchell et al., 2007). Instead, more recent research has highlighted that the main difference lies in the way a person thinks about business, the entrepreneurial mindset (Naumann, 2017). These sets of belief systems about one's competencies and the environment can be changed and thus have the potential for training and development.

Current entrepreneurship training programmes frequently seek to develop an entrepreneurial mindset (see e.g., Keena & Simmons, 2015). As Patzelt et al. (2014) pointed out, the fundamental idea is that training programmes should not aim for creating an entrepreneurial mindset as a learning outcome of the course, but rather a more entrepreneurial way of thinking should be an integral input of the training itself. According to Patzelt et al. (2014), every training programme

conducted with prisoners should incorporate exercises that foster the ability to identify potential opportunities and take accountability of their past.

9.1. Unique Challenges for Prisoners in an Entrepreneurship Training

Prior to being able to acquire this ability and develop an entrepreneurial mindset, prisoners face several unique challenges. According to empirically tested training programmes, there are some life circumstances of prisoners that need to be explicitly addressed in an entrepreneurship training programme in order to change their mindset (Keena & Simmons, 2015). These factors cannot simply be reduced to bad environmental influences, as some factors lie within the individual and are truly psychological in their nature.

Throughout their life, prisoners have learned that decisions have been shaped by external forces and environmental factors (Keena & Simmons, 2015). Rule-breaking and criminal behaviour provokes strong responses from the external environment in the form of punishment. Therefore, prisoners might struggle to develop a proper sense of understanding that their actions, behaviour, and decisions lie within their own realm of control. Psychologists call this form of belief (i.e., that your decisions are solely shaped by external forces) as having an ‘external locus of control’. Every training programme that is focused on changing a prisoner’s mindset should aim at shifting this external locus of control to a more internal one. Research has established that entrepreneurs who are dealing with complex and dynamic market situations profit from having a strong ‘internal locus of control’ – the sense that a person is in charge of their actions and not only at the mercy of external forces. The relevant literature in this area shows that prisoners with a stronger internal locus of control have a better adaptive functioning ability in prison, lower recidivism rates, and better adjustment to prison life (Pugh, 1992).

Another important psychological hurdle to overcome is the tendency of prisoners to have a static mindset with respect to their self-concept. A static mindset is characterized by thinking that your abilities and skills are limited and cannot be changed. Therefore, crucial psychological factors such as intelligence, creativity or project-management skills are seen as skills one is born with. If people in general – and prisoners more specifically – are deprived from having proper learning opportunities or if they are only being criticised in learning environments (e.g., in school), then they

lack experiences of success. These experiences are also termed as ‘mastery experiences’ and are the most important factor for developing one’s belief in achieving something through their own competencies (Bandura, 1977). Having these mastery experiences, even without prior knowledge of whether one’s capabilities are sufficient, result in a *growth mindset*. A study by Burnette et al. (2020) on growth mindset intervention consisting of making students have mastery experiences increased the reported entrepreneurial self-efficacy of students. In contrast to the static mindset, this way of thinking is crucial for prisoners to learn in a training program as the belief of having skills that can be trained is a precondition to learning.

Poor education might not only lead to lower levels of knowledge, skills, or other abilities, but also affects the way people think about their knowledge and learning as such. Similar to the proposed theory by Bandura (1977), people who are deprived from learning successes are more likely to develop lower levels of self-efficacy in respect to the motivation, self-confidence and willingness to learn something new. Such a low level of self-efficacy might hinder one from having the viewpoint that life-long learning is something desirable. However continuous learning is a necessary skill of every successful entrepreneur. Furthermore, life-long learning requires extremely well-trained self-regulated learning skills in order to be able to use formal, as well as informal, learning opportunities for the further development of one’s business and entrepreneurial skills (Keena & Simmons, 2015).

Prisoners also report lower levels of persistence when pursuing an endeavour (Keena & Simmons, 2015). This might be a crucial element for every entrepreneurship programme as the ability to control one’s actions is vitally important for every aspect of training. For example, the capability to postpone a small, short-term reward (e.g., selling products without consideration for maximising returns) for a greater, long-term reward (e.g., establishing the longevity of one’s business model) is an important attribute to possess as an entrepreneur. This capability is also referred to as ‘self-control’. Generally, researchers assume that lower levels of self-control are one of the most influential factors that lead people to engage in criminality and execute deviant, violent and law-breaking behaviour (Morris et al., 2011). In order to implement a successful entrepreneurship programme, it is crucial to be aware of a possible lack of self-control and furthermore, strengthen the ability of course participants regarding long-term perseverance.

Keena and Simmons (2015) also considered other challenges when designing a training programme for prisoners. These include being more proactive regarding starting new actions, switching to

proper mental models about wealth, acquiring knowledge about creating one's own brand, and building-up a social network without having many prior relationships. These psychological challenges have to be addressed in order to pave the way for developing an entrepreneurial mindset. Having understood these traits, training specific characteristics of the entrepreneurial mindset is then necessary in order to achieve a long-term change concerning this style of thinking and dealing with upcoming entrepreneurial challenges.

9.2. Developing an Entrepreneurial Mind-Set

Once the unique challenges are overcome, prisoners are in a state of mind that enables them to develop and foster new ways of thinking that help them to make use of their past life experiences instead of being negatively affected by them (e.g., through external locus of control, static mindset, etc.). After all, one primary antecedent to developing an entrepreneurial mindset is taking responsibility for the past (Patzelt et al., 2014). According to Patzelt et al. (2014), this changes the mental frame of prisoners which, in turn, enables them to develop a different view on their entrepreneurial competencies and their current life situation being in prison. From this point onwards, certain psychological factors contributing to the development of an entrepreneurial mindset can be addressed and enhanced.

The concept of 'recognising opportunities' is frequently used as one of the most relevant qualities regarding factors that constitute the entrepreneurial mindset (DeTienne & Chandler, 2004; Naumann, 2017; Patzelt et al., 2014). This concept does not only imply the act of recognising potential business ideas, but it also refers to being able to evaluate and exploit them properly. Indeed, Kaish and Gilad (1991) defined entrepreneurship as the process of first, discovering and second, acting on a disequilibrium opportunity. The skill of recognising opportunities can change a prisoner's attitude and enable them to think more positively and constructively about entrepreneurship, their life in prison, other individuals and the future (Patzelt et al., 2014).

Recognising opportunities is closely linked to creativity and some researchers argue that the process of creativity is the foundation for the act of discovering new business ideas (Monllor & Attaran, 2008). Entrepreneurs indeed have to be innovative with their products or services without producing something that is too unfamiliar to potential customers so that the utility of the products

is immediately recognisable. Thus, people who score high on the trait creativity are more prone to become entrepreneurs compared to those who score lower (Ward, 2004). Furthermore, Ward (2004) stated that developing entrepreneurial ideas is fundamentally a creativity process in which two concepts from different domains are merged together in order to fit the need of a certain market. During this creativity process, pre-existing knowledge structures are used in order to adapt concepts, ideas and analogies to new, unfamiliar contexts in order to create a new product.

If the process of creativity depends on pre-existing knowledge and the way that individuals apply knowledge to new contexts, the question arises if the trait creativity is some sort of inherited characteristic of entrepreneurs or if creativity could also be developed like any other skill. Entrepreneurship training programmes can draw out high levels of creativity, but also exercising the ability to be creative leads participants of such programmes to develop stronger entrepreneurial intentions (Yar Hamidi et al., 2008). Thus, entrepreneurship training programmes should integrate exercises that strengthen individuals' abilities to act creatively.

One example of such a training programme that again links back to the idea of creativity being the underlying process of opportunity recognition is the SEEC-Training (DeTienne & Chandler, 2004). The following four components are distinguished as being important:

- **SECURING:** Capturing business ideas is one of the most important skills for improving the creativity process. Here, the focus is not on forgetting good ideas, but rather being able to pursue ideas over a longer period of time without directly changing plans when further ideas are developed. Indeed, persistence and self-control are generally considered to be abilities that prisoners should be trained to develop. DeTienne and Chandler (2004) suggested simple behavioural routines such as writing down ideas in a log as a helpful way of securing them.
- **EXPANDING:** Knowledge and acquiring knowledge can be seen as a fundamental factor for creativity as it is defined by the skill to transfer pre-existing knowledge to new domains. Again, this links back to the unique challenge of prisoners having low self-efficacy beliefs in the domain of formal learning. Acquiring new skills and expanding one's personal abilities, skills and resources through life-long learning is an important factor for entrepreneurs. DeTienne and Chandler (2004) also suggested experiential learning approaches as effective learning methods for entrepreneurship training programmes.

- **EXPOSING:** Being able to keep a general openness for complex, ambiguous and changing environments is a core part in becoming and being an entrepreneur. Training programmes should include exercises that make students dive into uncertainty. DeTienne and Chandler (2004) described this metaphorically by stating that participants should be “operating at the edge between structure and chaos”. Suggested exercises in this phase include brainstorming or brain-writing, as well as creative product development. One might also expect that these exercises will foster a stronger internal locus of control, since successfully being trained in ever-changing environments puts a strong outside pressure on individuals.
- **CHALLENGING:** Lastly, one harsh truth is that most entrepreneurial endeavours will fail. Error management can therefore be seen as another critical skill participants of an entrepreneurship programme have to develop. DeTienne and Chandler (2004) aligned this with the notion of creativity underlying the process. From a psychological point of view, creativity will lead to different behaviours that compete with one another and some will succeed whereas others will fail. If one masters the skill of error management, he or she is good at using previous failures as heuristics for developing strategies for new problems. Trying out new behaviours and learning through failure implies that some form of mastery over a behavioural domain has occurred, which fundamentally refers to the challenge of training prisoners in having a growth mindset. Exercises proposed by DeTienne and Chandler (2004) included low-cost failure exercises such as elevator pitches that are judged by others.

The SEEC Training emphasises the crucial role of creativity as an underlying process and also as an antecedent for developing the skills to recognise opportunities. Deconstructing this process opens up avenues to operationalise exercises and train specific micro-habits and behaviours that influence factors strongly contributing to entrepreneurial success. Likewise, prisoners face special challenges and exercises should be specifically adapted to this special target group. Developing the entrepreneurial mindset will help to increase the chance of entrepreneurial success.

As Patzelt et al. (2014, p.589) reflected on in-prison entrepreneurship training programme:

“The (potential) entrepreneurial opportunity – regardless of its economic, environmental, or prosocial potential – has the power to transform their lives by enabling them to think positively and constructively about the future and their current environment. [...] [t]Transforming prisoners' attitudes can yield substantial benefits for these individuals and society as a whole”.

As evidenced above, an entrepreneurship training programme for this target population must enable participants to recognise and identify opportunities, take accountability for their past, develop an internal locus of control, generate a growth mindset, and strengthen abilities to act creatively. Developing an individual's mindset is a vital component to the success of any in-prison entrepreneurship programme. The PREP e-learning programme, in recognition of this, places equal emphasis on developing the psychological mindset and the business knowledge of the individual.

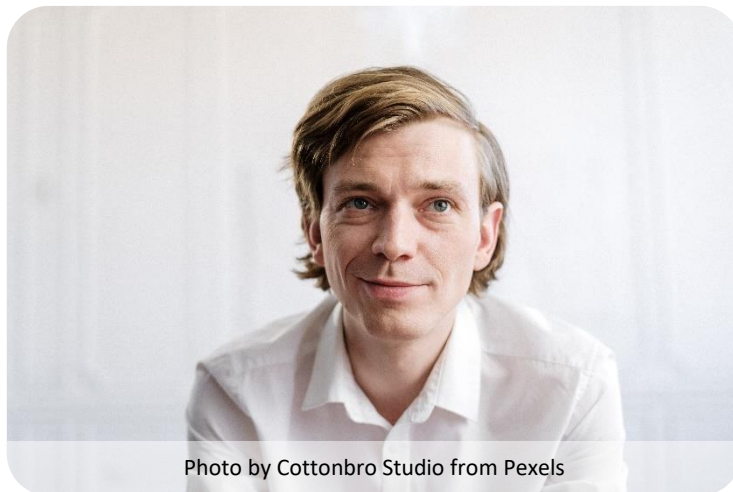


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10. Key Findings, Considerations and Recommendations regarding the PREP E-Learning Programme Pilot

There are a number of key factors that must be taken into consideration when designing in-prison entrepreneurship training programmes. Such factors include the admission of participants to an entrepreneurship training programme, the programme design (including programme content, trainers/mentors, and access to technology) and the sustainability of the programme (i.e., post-release). There should also be proper consideration given to the many stakeholders involved in the delivery and facilitation of in-prison entrepreneurship programmes, including funders, support agencies, programme providers and coordinators, mentors, prison staff (e.g., governor, officers) and, most importantly, the participants themselves. The following sections detail the key findings from the primary research regarding key considerations when designing in-prison entrepreneurship programmes.

10.1. Key Findings of the Interviews

1. There are key personal, infrastructural, and institutional barriers to prisoners engaging in e-learning education

The interviews highlighted some key barriers to in-prison e-learning education. The first barrier is limited access to the internet (i.e., firewalls) and technological devices (i.e., laptops, desktops). Even if all participants can be allotted computer time, access to e-learning content outside of scheduled class hours (i.e., when in-cell) may be limited and thus, hand-outs may be required. The priority in prisons is always security and internet accessibility may be curtailed or even banned for some or all categories of prisoner. The second major barrier is disruption to learning. This may be caused by change in governance (i.e., programme is discontinued), personal issues of the participants (e.g., addiction), gang-related problems that necessitate the movement of individuals to other prisons, staff shortages causing school closures, or individuals causing disruption during class time. The third barrier is a lack of support and resources. This is particularly evident among those studying beyond second-level. There may be inaccessibility or unavailability of reading materials via the prison library or internet, lack of peer support, and delays in seeking clarification

and guidance from tutors. The fourth, and most prevalent, barrier is low levels of educational attainment, illiteracy, learning difficulties or poor grasp of the native language among the prison population. Cognitive overload is a threat in particular to this cohort of individuals. The fifth barrier could be poor perception of education due to prior negative experiences and low levels of self-efficacy, which can deter people from engaging in education within the prison. Individuals may have low levels of motivation and drive, and feel hopeless about their future.

2. The value or benefit of entrepreneurship and entrepreneurship education is recognised

Many interviewees acknowledged that individuals in prison already possess some of the competencies of entrepreneurship including proactiveness, risk aversion and desire to be one's own boss. An entrepreneurship programme was perceived as a way to help individuals to redirect those strengths away from illegal pursuits and towards developing a legitimate business endeavour. Self-employment was also seen as a route for individuals to turn their lives around, establish financial independence and contribute to society upon release. One individual with lived experience noted that he was able to help other ex-offenders by offering them employment in his business, thus highlighting a positive knock-on effect of entrepreneurship.

3. Be conscious of the diversity of potential programme participants

Some interviewees highlighted that the prison population is not homogenous and there may be diversity in the profile of participants undertaking an in-prison entrepreneurship programme. Individuals may range from having no business experience (but a kernel of a business idea) to those who have prior entrepreneurial experience and a solid business proposal. Those with higher education, prior business experience, and greater access to social and financial capital will be advantaged in terms of establishing a business post-release. This, however, is not to suggest that cherry picking of participants should take place.

4. Participants may have unrealistic expectations that need to be managed

It may be the case that individuals propose impractical or infeasible business ideas or aspirations for business growth. Tutors and facilitators should attempt to manage expectations in a way that does not demoralise or ridicule participants. Participants should also be made aware of the challenges of entrepreneurship (i.e., failure rates, average time to breakeven) that exist regardless of having a

criminal record or not. A suggestion was made to share with participants a business founder profile of critical skills/competencies and to provide space for participants to assess their own fit with entrepreneurship.

5. Participants may differ in inclination towards becoming an entrepreneur vs a self-employed sole trader

Some interviewees made the valid point that participants may differ in terms of inclination towards self-employment through trade versus entrepreneurship, and its association with developing new and innovative product and service offerings. Whilst some individuals may wish to pursue entrepreneurship, many may be keen to undertake self-employment in trades or areas in which they have developed an expertise either before or within prison (e.g., carpentry, cooking, personal training). The literature shows that individuals who were formerly imprisoned are less likely to establish businesses in knowledge intensive industries and are more inclined towards those businesses that require “minimal start-up capital and no physical office, such as construction or services” (Hwang, 2022, p.124).

10.2. Key Considerations in Piloting the PREP E-learning Programme

1. Establish Access to the Prison System to Pilot Programme

The first step in piloting a new programme within a prison setting is to get buy-in from senior figures, such as prison governors and heads of learning (Centre for Entrepreneurs, 2016). The CFE report (2016) also suggests making the business case for prison entrepreneurship when trying to pilot a new programme, demonstrate the value and relevance of such a programme by linking it to any existing self-employment trainings within the prison system, and conduct a taster session with inmates to prove that there is interest and demand for such a programme.

2. Admission to an Entrepreneurship Training Programme

Entrepreneurship training programmes range in terms of openness, with some open to any prisoners interested in partaking (Cooney, 2012) to others that follow a strict and rigorous competitive application process (e.g., PEP and Leonhard Prison Entrepreneurship Programme). For

instance, some programmes factor in the nature of a prisoner's crime, refusing admission to sexual and serial offenders, usually due to the high probability of recidivism (Patzelt et al., 2014). Some programmes will also factor in a prisoner's behaviour during incarceration; for instance, the Icehouse Programme is only open to those prisoners who have received no more than three Rule Violation Reports (RVR) whilst in the pre-release unit (Keena & Simmons, 2015).

Other criteria for participation may include fluency in the national language that the programme is being delivered and a minimum level of educational attainment or literacy (Keena & Simmons, 2015; Patzelt et al., 2014). The Centre for Entrepreneurship (2016) argued that although opening participation to all prisoners can raise costs and reduce the attention afforded to individuals, following a closed and highly selective process can result in alienation and claims of 'cherry picking' among excluded prisoners.

Another key criterion to consider in the admission of prisoners to an entrepreneurship educational programme is the period of time prior to their release. According to Rollo (2002), educational programmes are most effective if delivered within the 6- to 12-month period prior to release and when supported by the community (as cited by Keena & Simmons, 2015). Patzelt et al. (2014, p.590) describes a European prison entrepreneurship programme that only accepted those with 6 and 30 months left to serve for their prison sentence "because a shorter time to release would not allow for program completion, and a longer time would make the 'spillover' of program effects to life after release unlikely." The Centre for Entrepreneurs (2016) recommends a shorter window of 3 to 6 months prior to release.

3. The Programme Design

Programme content. Content is usually based on developing the entrepreneurial and business skills and knowledge of participants. Common topics include business plan development, market research and analysis, financial management, and business pitching. Content should also focus on developing the appropriate psychological mindset, motivations, competencies, and values needed to pursue entrepreneurship and self-employment. Given that prisoners face additional and distinctive challenges to other entrepreneurs (Cooney, 2014; Rieple, 1998), these challenges should be covered and discussed during the delivery of the programme (Centre for Entrepreneurs, 2016). Importantly, participants should also feel as though they can relate to the content. Cooney (2012)

found that participants were uneasy about the case studies on highly successful businesses, preferring to hear of local examples, and suggested that guest speakers include former prisoners turned entrepreneurs.

Trainers/Providers/Mentors. Programmes are usually designed and delivered by business schools of third level institutions (e.g., Cooney, 2012; Keena & Simmons, 2015) as well as social enterprises and reintegration organisations (e.g., Enterprise Exchange). Programme instructors can include business/entrepreneurship lecturers, business advisors, life coaches and mentors. For instance, Enterprise Exchange UK (<https://www.enterpriseexchange.org.uk>) has corporate partners such as John Lewis, who act as mentors or enterprise managers (Centre for Entrepreneurs, 2016). It is also important that prisoners have access to role models; for example, Startup (<https://startupnow.org.uk/>) offers a peer mentoring scheme that matches successful entrepreneurs from previous iterations of the programme with current participants (Centre for Entrepreneurs, 2016).

Length of the Programme, Format and Mode of Delivery. Other design elements include the length and frequency of the programme delivery, format (i.e., one-to-one, peer-to-peer) and mode of delivery (i.e., online, in-person or blended). Existing programmes (identified in Annex 3) range in duration from 6 to 39 weeks. The CFE report (2016) recommends engaging with programme participants on a weekly or bi-weekly basis. Existing programmes range from in-person, facilitated weekly classroom sessions (e.g., the Irish Prison Entrepreneurship Programme) to online and self-paced learning (e.g., the CNAM Emergence Programme). The CFE report (2016) recommends that programmes integrate group-work and peer learning with one-to-one support from a facilitator.

Access to Technology. Little to no access to the internet is a major impediment to the delivery of e-learning programmes within prisons. No access to the internet can also severely limit one's ability to obtain information that is needed to conduct market research and formulate a business plan (Patzelt et al., 2014). Programmes can overcome this obstacle by soliciting the help of volunteers who can conduct online research for the participants (e.g., the Leonhard programme uses the help of student volunteers from Munich University).

4. The Sustainability of the Programme (i.e., Post-Release)

The post-release phase must be considered when ensuring the sustainability of any in-prison entrepreneurship programme (CFE, 2016). For example, the Leonhard Prison Entrepreneurship Programme has an excellent post-release support phase, which includes formal accreditation and a pathway to a BA degree, a personal supervisor who offers tailored advice for either business start-up or employment, and a mentoring programme with sessions every 3-4 weeks. Despite supports in place, ex-prisoners may struggle to stay in contact with programme providers and attend appointments post-release (CFE, 2016). CFE (2016) recommends that programme providers re-establish lost contact and be linked (formally or informally) with community support services.

10.3. Recommendations for Designing the PREP E-learning Programme

The recommendations for the piloting of the PREP e-learning programme were arrived at following a review of the existing literature, and the interview findings that were conducted in Ireland, Germany, and Romania. It is highly evident from the interviews that there is considerable appetite for greater in-prison information and support regarding entrepreneurship and self-employment. There are, however, considerable challenges to piloting an e-learning programme and the following recommendations are intended to address some of these challenges and maximise the value derived from such a programme.

1. Establish a set of realistic and “soft vs hard” outcomes for the programme

It is highly important to develop a set of realistic and “soft vs hard” (CFE, 2016) outcomes and objectives for this programme. Many interviewees highlighted that it is unlikely that participants of the programme will be in a position to set up a business immediately upon release. This is due predominantly to the many complex needs of the individual (e.g., accommodation, addiction/mental health support) that must be prioritised above establishing a business. Also, in many cases, individuals will not have sufficient resources or will be lacking the practical experience to set-up the structures for their business upon release. Whilst self-employment should be the primary goal, other positive outcomes of the programme should also be celebrated such as participants applying the skills and knowledge to securing employment or engaging in further

education (CFE, 2016). The CFE report (2016) also recommended including both hard outcomes (e.g., a reduction in recidivism) and soft outcomes (e.g., an increase in self-esteem). At the same time, interviewees mentioned developing clear learning outcomes that could guide both participants and trainers in reviewing their progress.

2. Seek buy-in from multiple stakeholders and pilot in different prisons

Buy-in is required in the first instance to gain access to the prisons to pilot this programme, as well as to ensure its successful adoption and sustainability within the prison system (CFE, 2016). Multiple stakeholders will need to be consulted, including government/statutory bodies (e.g., the government department for defence), prison governors, heads of prison teaching/learning units, prison educators/trainers, prison officers and the prisoners themselves. Those who train prisoners in various trades (e.g., carpentry, construction) may be well placed to recommend individuals to apply for the entrepreneurship programme. Since the programme is voluntary in nature, efforts to market the programme among the prison population will need to be made (e.g., presentation to the prison population, fliers on prison noticeboards). It was also recommended to pilot in different types of prisons (e.g., urban/rural, open/closed) with different staffing levels and technological capabilities.

3. Provide a programme that can be delivered offline and consider a paper-based alternative

Given the constraints on prisoners' access to I.T. hardware and to the internet, there should be an option to deliver the e-learning programme offline or in the worst-case scenario have a paper-based



Photo by Scott Graham from Unsplash

version. The situation will vary depending on the technological capabilities and I.T. policy of the prison in which the programme is being piloted. Perhaps a multi-tiered approach to piloting the programme - offline paper-based version (low-level), offline computer-based version (mid-level), and online version (high-level) - could be adopted to ensure its transferability across different prison systems.

4. Include mentors and role models in the programme

Interviewees repeatedly referenced the importance of role models to the programme. These are ideally individuals with criminal records who successfully run a business but could also include local business people. Former prisoners with successful businesses may also double-up as mentors and advise on the design and content of the programme. Having individuals with a criminal record coming back onto prison grounds may present challenges in terms of security issues or reluctance of individuals to return to a prison setting. There may also be the risk of reputational damage for individuals in business who publicly disclose their criminal past. Therefore, careful consideration should be given to how business success stories can be shared in an ethical manner (e.g., animated videos, anonymised case studies).

5. Offer coaching guidelines to educators/trainers who deliver the module

The trainer plays a very important role in managing the expectations of the programme participants, assessing the feasibility of their business ideas, offering feedback, sustaining students' motivation and monitoring their progress. The "train-the-trainer" approach will need to ensure that prison educators not only understand the content they are delivering, but also the teaching philosophy behind this programme. It is very important that whoever delivers the module is able to establish rapport with the class and gain respect and maintain boundaries. Perhaps, there should be different facilitators for the three modules with prison social workers/psychologists delivering post-release challenges (PR2) and psychology of entrepreneurship (PR3), and prison career advisors, who may already have some experience advising individuals with entrepreneurial intentions, delivering entrepreneurship 101 (PR4). If external trainers/coaches are brought onsite to deliver part or all of the module, security clearance for these individuals will need to be arranged.

6. Set programme content at the correct learning level and build into the programme time for feedback and support

It is very important that the programme content is set at the right level for the learner so that it is neither too simplistic nor too complicated. Those developing the content should avoid highly technical terms or jargon. Too much information or tasks for learners can cause cognitive overload. There should be mechanisms built into the programme that allows for feedback and support from

the facilitator/trainer (e.g., knowledge checks, assignments). Many individuals in the prison system struggle with low levels of educational attainment, illiteracy and/or learning difficulties (Costelloe et al., 2012). Content should be designed with those individuals in mind.

7. Design programme to be modular, self-directed and individualised

It is recommended that learning content is designed in a modular way. This may help to reduce the disruption to learners' progress given the unpredictable nature of the prison education system (e.g., school closures). The programme will likely need to be timetabled within the prison school calendar to ensure participants and trainers have access to computer rooms. An adult education philosophy should be adopted that emphasises self-directed learning. There should also be universal design principles incorporated into the module design to cater for different learning styles (e.g. videos, text, lectures). In the Irish prison education system, much of the learning is self-paced but a structured, facilitated approach was recommended for this programme. It was also recommended that content be oriented to the individual needs of the prisoner (i.e. specific competencies and areas for development) as well as to the specific nature of their business (i.e. sole trade vs incorporated enterprise).

8. Consider at least a 12-month pre-release period for prisoners to be eligible for the programme

According to the Irish interviewees, the programme should be open to individuals no less than 12 months to their release date. The risks associated with a shorter pre-release period are lower completion rates due to individuals being released early or sent to an open prison; limited expressions of interest in the programme if not linked to early release or if there is a perception that it may negatively impact early release; and poor focus or motivation among programme participants who are on the countdown to their release. This time period aligns with the one recommended by Rollo (2002) and Patzelt et al. (2014).

9. Set some eligibility criteria for the programme

There was a lack of consensus among the interviewees as to the eligibility criteria for such a programme with some proposing an open inclusive approach and others advocating for certain

criteria to be put in place. In addition to the minimum pre-release period (see note above), it was suggested that fluency in the native language, literacy and number of years in formal education be considered as criteria for programme eligibility. It may also be important to develop a mechanism to determine individuals' reasons for wanting to undertake the programme and to assess the standard/feasibility of their proposed business idea, perhaps via a pre-programme interview or questionnaire.

10. Ensure length and scheduling of the programme is achievable for the amount of content covered

There are a number of factors that will determine the length and scheduling of the programme including the amount of content covered in the programme and whether it is self-paced and self-administered or time-bound and facilitated. In the Irish prison system, most accredited programmes are run on a continuous intake basis. The Irish prison entrepreneurship programme is run over an eight-month period. Two hour in-person classes are delivered to programme participants every two weeks. In the German prison system, it is possible to schedule classes 1-3 times per week. In the Romanian prison system, programmes usually have two sessions per week, and run for a maximum of three months, because prisoners often change prisons prior to liberation committees.

11. Consider an incentive, recognition or award for programme completion

Interviewees referred to the value in offering incentives and recognition for completion of the programme. As was the case with one business competition programme, the winning participant received a cash prize for their business idea (redeemed through business-related invoices). Formal accreditation for completion of the programme imposes rigidity in terms of the quality and standard of work submitted. Alternatively, a (non-accredited) award could be issued to all those who have successfully completed the programme.

12. Establish mechanisms to evaluate the programme and to capture any long-term outcomes

It was recommended that mechanisms be put in place to evaluate the programme. This includes capturing the outcomes of the programme and feedback from programme participants as well as the trainers who deliver the programme. Pre- and post- programme evaluation has been

recommended. According to the CFE Report (2016), the key indicators of success for an in-prison entrepreneurship programme should be a lower level of recidivism against the national average and a reasonable proportion of participants starting their own business post-release. Other positive effects of this programme could include survival rates of businesses and job creation (including employment of ex-prisoners). This data can be difficult to capture and any positive outcomes will likely be attributable to an array of factors and not singularly to one's participation in an entrepreneurship programme. Therefore, sound evaluation research is needed in order to properly evaluate the effectiveness of such kinds of programmes. Evaluation can be seen as the first step of a needs analysis, which guides the future development of such programmes, in order to produce long-lasting and sustainable effects for the participants.

13. Set realistic expectations regarding the effectiveness of post-release support

Many of the interviewees highlighted the importance of a post-release support phase to ensure the sustainability and success of the programme. A proposed route of targeting reintegration service agencies/NGOs was largely approved. However, there is recognition that one-time coaching will only help individuals to a certain extent, and many other conditions must be met (e.g., access to funding, premises/workspace, networks, expertise etc.) before an individual can be expected to turn their entrepreneurial ambitions into action. It is also important to note that programme participants may not avail of this post-release service immediately, or even at all, and that this service should also be open to those who are not programme alumni.

The key findings, considerations and recommendations set out above are distilled from knowledge experts and practitioners, and offer a strong evidence basis for the design, delivery and sustainability of an effective and successful in-prison entrepreneurship programme. The recommendations are intended to be suggestive rather than prescriptive and are open for adaptation to varying prison contexts with different staffing levels and technological capabilities. The individual learner and their learning environment must be at the forefront in any design and implementation choices.

11. Conclusion

The aim of this report was to provide evidence-based analysis and recommendations for the piloting of an e-learning entrepreneurship education programme, with three core modules (post-release challenges, psychology of entrepreneurship, and entrepreneurship 101). The report provided a detailed account of the criminal justice systems and provision of existing enterprise supports for justice impacted individuals across the three national contexts (Ireland, Germany, and Romania) in which this programme will be piloted. The report provided a literature review of several key research areas including post-release challenges, prison entrepreneurship, psychology of entrepreneurship, and entrepreneurship training designed for the prison population. Finally, the report offered a set of key considerations and recommendations for designing the PREP e-learning programme based on the literature review and the interviews conducted with key informants across all three national contexts.



Photo by Karsten Madsen from Pexels

This report highlights the considerable value and demand associated with in-prison entrepreneurship education programmes. With high levels of recidivism across Europe, there is a considerable need for better mechanisms to support individuals towards desistance on their re-entry to society. The business case for such a programme within a prison context is clear given the reduction of recidivism rates that have been associated with such offerings (i.e., the Texas PEP and Leonhard programme). Individuals with criminal convictions who engage in entrepreneurship have

greater economic mobility and prosperity than their employed counterparts. Entrepreneurship can offer individuals a strong sense of purpose and motivation as they readjust to post-release life.

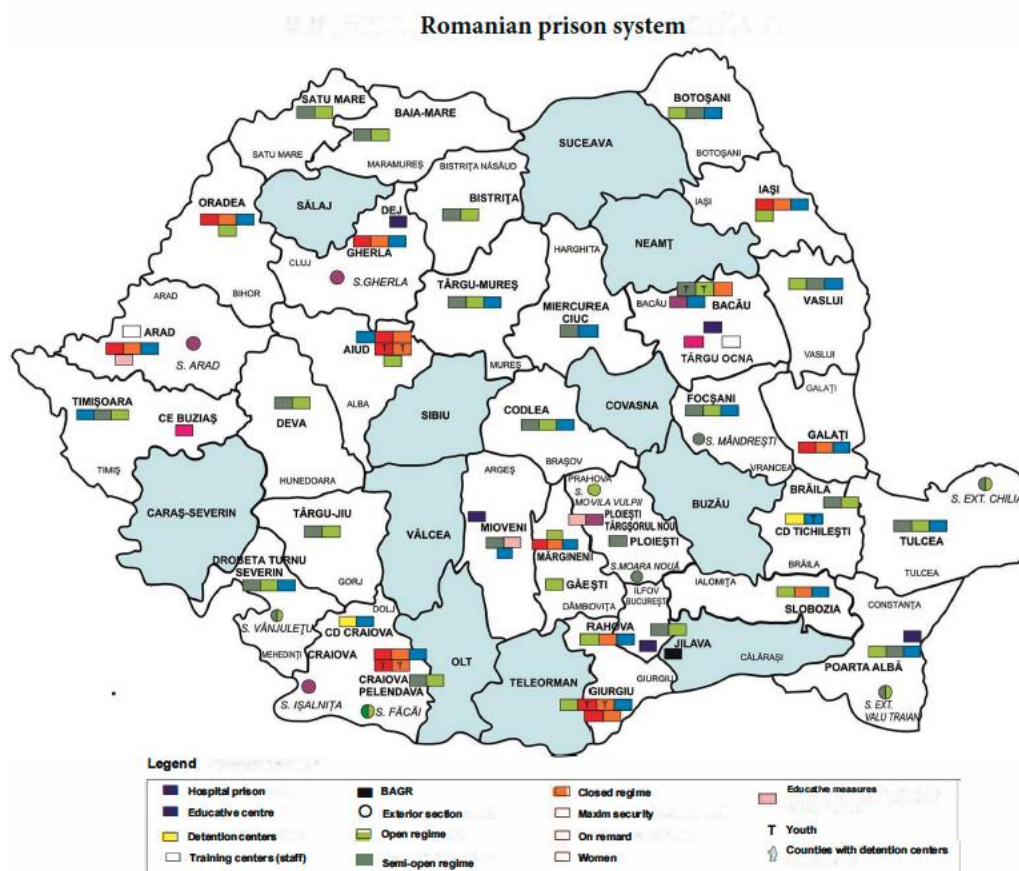
There are also many positive spill-over effects for government and society associated with entrepreneurship among this population. Individuals have an opportunity to contribute positively to their communities and local economy by generating employment and providing much needed goods and services within their localities. If even a small proportion of individuals with criminal convictions entered self-employment, and achieved desistance, this would generate substantial government savings (i.e., the annual housing costs of prisoners). Although self-employment is the most important outcome, entrepreneurship education programmes, at the very least, equip individuals with the knowledge, skills and understanding needed to make informed decisions regarding their employment options that, in turn, enable them to turnaround their lives for the better.

Annex 1. Map of Prisons in Ireland



Source: Ireland's prison system. Irish Prison Service Annual Report, 2020, p. 23.

Annex 2. Map of Prisons in Romania and Types of Prison Regimes



Source: Romanian prison system, according to geographical distribution, type of prison, and custodial regime.

Adapted for language from the National prison Administration report, 2021, p.9.

Annex 3. Table of Existing Prison Entrepreneurship Programmes and Initiatives (non-exhaustive)

Information Source/Author	Form of Delivery	Length of Programme	No. of participants	Name of Programme	Country	Programme Content & Structure
Working to Change - the Irish Government's social enterprise and employment strategy for people with criminal records.	In-prison	8 months	Varies each year (average class size is 12)	Prison Entrepreneur-ship Programme (PEP)	Ireland	<ul style="list-style-type: none"> Two-hour fortnightly facilitated classroom sessions. 16 sessions covering topics such as business plan development, process of company registration, business mgmt. responsibilities, financials & unique challenges for those with criminal records. Business plan template to complete and pitch to three external judges (prize for winner). Expert lecturers and mentors. More info: https://www.workingtochange.ie/entrepreneurship
Keena & Simmons (2015)	In-prison (Online course to DVD).	12 weeks	29 (26 were part of research study)	Ice House Entrepreneur-ship Programme	USA	<ul style="list-style-type: none"> Weekly classroom sessions. Narrated chalkboard presentations from the DVDs, live and video interviews with successful entrepreneurs. Lessons followed by Reflection and Response assignments. Opportunity Discovery Canvas and informal poster presentation to an evaluation panel.
IPAG Business School (2021)	In-prison	20-week biannual programme	15-18	Leonhard Prison Entrepreneur-ship Programme	Germany	<p>Two modules in prison:</p> <ol style="list-style-type: none"> 1) Business Knowledge 2) Personality training/personal coaching <p>After release:</p> <ol style="list-style-type: none"> 1) Pass final exam – obtain certificate 2) Personal supervisor 3) Mentoring programme

Information Source/Author	Form of Delivery	Length of Programme	No. of participants	Name of Programme	Country	Programme Content & Structure
CFE (2016)	In-prison	9 months	500	Texas Prison Entrepreneur-ship Program (PEP)	USA	<p>Pre-release:</p> <ul style="list-style-type: none"> • 3-month Leadership Academy -identifying and removing character traits and behaviours the block positive life transformation. • 6-month mini MBA programme – business plan competition, courses on financial literacy, public speaking. • Awarded Certificate in Entrepreneurship. <p>Post-release:</p> <ul style="list-style-type: none"> • Weekly eSchool and eSchool Competition Bonus.
Enterprise Exchange – A UK based self-employment training provider for those with additional barriers to becoming self-employed.	Online	Four day Self Employment Workshops/ Six weekly workshops for prisoners	Not specified	Enterprise Exchange Prison Entrepreneur-ship Programme	UK	<ul style="list-style-type: none"> • An online self-employment workshop programme, accessed through a virtual reality headset. • One to one coaching and action planning for each participant • All necessary business templates, an effective action planning journal and access to augmented reality business start-up workbook. • Ongoing peer to peer support groups • Phone, email and video conference support after they have left prison. • More info: https://www.enterpriseexchange.org.uk/prison-entrepreneurship-programme.html
Startup Website/CFE (2016)	In-prison	Not specified.	Not specified - 1200 + women since 2010	Startupnow for Women Project	UK	<ul style="list-style-type: none"> • 4-2-1 model (groups of 4 partake in a taster session, 2 individuals progress to business plan development & peer mentoring and 1 progresses to business set-up with further mentoring and funding). • More info: https://startupnow.org.uk/

Information Source/Author	Form of Delivery	Length of Programme	No. of participants	Name of Programme	Country	Programme Content & Structure
European Prisoners Entrepreneurship Programme (EPEP) –Erasmus + Consortium of NGOs, HEIs and training providers.	Online	Not specified	Not specified	The EPEP e-learning platform	Europe	<p>E-learning platform comprised of 5 modules:</p> <ul style="list-style-type: none"> Preliminary module: Introduction to the EPEP course, Analysis of Personal and Legal Issues, Business Idea Group Sharing. Module 1: Business Readiness Self-Assessment. Module 2: Business Definition: Market Analysis, Business Strategy, Business Forms, etc. Module 3: Business Plan: Business model, financial plan and business success & failure. Module 4: Business Management: Marketing, financial management, stakeholder management, etc. The platform is intended for use by ex-offenders and trainers of organisations supporting inmates and ex-offenders. More info: https://www.erasmus-epep.eu/
IPAG Business School (2021)	Online	3-6 months	Approx. 10	Emergence - CNAM	France	<ul style="list-style-type: none"> Prisoners participate via video conference. 8 stages covering the following themes: motivations, skills and environment, scope of action, formalization of the desire, economic environment, opening on your territory, formalization of the idea, balance sheet. Students set their own progress- study in their cell or attend classes in a video room. A CNAM facilitator reviews progress between each stage of the programme. End-of-course oral exam. 2 ECTS and certificate. More info: https://formation.cnam.fr/rechercher-par-discipline/emergence-de-l-idee-d-entreprendre-856669.kjsp

Information Source/Author	Form of Delivery	Length of Programme	No. of participants	Name of Programme	Country	Programme Content & Structure
National Administration of Penitentiaries, Romania – According to NAP, the programme is no longer implemented in Romanian prisons because of its long duration, the range of experts needed to deliver the programme, and the lack of knowledge of prison staff regarding entrepreneurship	In-person, in prison	20-weeks; 3 sessions per week.	Not specified	Think for the future	Romania	<ul style="list-style-type: none"> Prisoners participate in-person, the programme is organised in group sessions. The objectives of the programme are to assist prisoners in: developing social skills, offering them prosocial models to motivate them in their desistance, acquiring general knowledge on entrepreneurial activities, evaluating the possibilities of developing a profitable business according to market needs and finally, preventing reoffending. 3 stages covering three phases: Phase 1 (2 weeks) - introduction and evaluation, which aims to familiarise participants with basic concepts, assist participants to discover their skills, interests, and motivations, and selecting participants to continue with the programme. Phase 2 (10 weeks) - discover and develop social competencies, meetings with local entrepreneurs, building motivation and group cohesion. Phase 3 (8 weeks) - Ideas, opportunities, and planning business, which aims to deliver a learning by doing philosophy, identify ideas and business opportunities, meetings with entrepreneurs and business experts, develop business ideas, and develop a business plan. At the end of the programme, prisoners receive 25 credits.

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