


THE ADVOCATE

A Bi-Monthly publication of CURE-Nigeria since 2011

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APRIL EDITION

FREE

...Defending Human Rights and Fundamental Freedoms ...Enriching our Democracy

HUMAN RIGHTS AND PRISONS

[A pocket handbook of international Human Rights Standards for Prison Officials] Juveniles in detention

Continue from last edition

Photo by: CURE Nigeria

Children are to benefit from all the human rights guarantees available to adults. In addition, the following rule s shall be applied to children. Children who are detained shall be treated in a manner which promotes their sense of dignity and worth, facilitates their reintegration into society, reflects their best interest and takes their needs into account.

Children shall not be subjected to corporal punishment, capital punishment or life imprisonment without possibility of release. Children who are detained shall be separated from adult prisoners. Accused juveniles shall be separated from adults and brought for trial as speedily as possible.

Special efforts shall be made to allow detrained children to receive visits from and correspond with family members. The privacy of a detained child shall be respected and complete and secure records are to be maintained and kept confidential.

Juveniles of compulsory school age have the right to education and to vocational training. Weapons shall not be carried in institutions which hold juveniles. Disciplinary procedures shall respect the Childs dignity and be designed to instill in the child a sense of justice, self-respect and respect for human rights.

Parents are to be notified of the admission, transfer, release, sickness, injury or death of a juvenile.

Prisoners under sentence of death

Every human being has the inherent right to life, which shall be protected by law. In countries which have not abolished the death penalty, it shall be imposed only for the most serious crimes and after a final judgment rendered by a competent court.

The death penalty shall not be imposed for crimes committed by persons below the age of eighteen and shall not be carried out on pregnant women, new mothers or persons who have become insane. Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering.
Abolition of the death penalty is encouraged.

Life and long–term prisoners

The essential aim of the treatment of prisoners shall be their reformation and social rehabilitation. Life imprisonment without possibility of release shall not be imposed for offences committed by persons below eighteen years of age. The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings

Treatment shall be such as to encourage long term prisoners self respect and to develop their sense of responsibility. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

Life sentence prisoners should be eligible for release into society once they have served a sufficient period of time in custody to mark the seriousness of their offences.

Persons under detention without sentence

Every one charged with a penal offence has the right to

be presumed innocent until proved guilty. Everyone has the right to liberty and security. No one shall be deprived of liberty except on such grounds and in accordance with such procedures as are established by law.

Anyone who is arrested shall be informed, at the time of arrest, of the reasons for the arrest and of his or her rights. Anyone who is arrested shall be promptly informed of any charges. Anyone who is arrested shall be brought promptly before a judicial authority for the purpose of having the legality of his or her arrest or detention reviewed and shall be released if the detention is found to be unlawful.

Anyone who is arrested has the right to trial within a reasonable time or to release. Comprehensive written records of all interrogations must be kept, including the identity of all persons present during the interrogation. All arrest or detained persons shall have access to a lawyer or other legal representative and adequate opportunity to communicate with that representative.

Untried prisoners shall be allowed immediately to inform their families of their detention and shall be given all reasonable facilities for communicating with their families and friends. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment. Untried prisoners shall sleep singly in separate rooms with the reservation of different local custom in respect of the climate.

Untried prisoners may, if they so desire, have their food procured at their own expense from the outside. Untried prisoners shall be allowed to wear their own clothing if is clean and suitable. If an untried prisoner wears prison clothing, it shall be different from that supplied to convicted prisoners. Untried prisoners shall always be offered the opportunity to work, but shall not be required to work. Untried prisoners shall generally be allowed to procure at their own expense books, newspapers and writing materials.

Untried prisoners shall generally be allowed visits from their own doctor or dentist. Persons awaiting trial shall not be detained in custody as a general rule. Release pending trial shall be envisaged as early as possible. A pre-trial prisoner shall have the right to appeal to a judicial or other independent authority against his or her detention. Persons arrested or imprisoned without charge shall be accorded the same protection and facilities as pre-trial prisoners and those awaiting trial. *To be continued*

UNITED NATIONS RULES ON THE TREATMENT OF WOMEN PRISONERS (THE BANGKOK RULES)

4.1 **MEDICAL SCREENING ON ENTRY**

Rule 6

The health screening of women prisoners include comprehensive screening to determine primary health care needs, and also shall determine

The presence of sexually transmitted diseases or blood-borne disease and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre-and post-test counseling

Mental health care needs, including post –traumatic stress disorder and risk of suicide and self- harm.

The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues

The existence of drug dependency

Sexual abuse and other forms of violence that may have been suffered prior to admission.

Rule 7

If the existence of sexual abuse or other forms of violence before or during detention is diagnosed, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and immediately refer the case to the competent authority for investigation. Prison authorities shall help such women to access legal assistance.

Whether or not the woman chooses to take legal action, prison authorities shall Endeavour to ensure that she has immediate access to specialized psychological support or counseling.

Specific measures shall be developed to avoid any form of retaliation against those making such reports or taking legal action.

Rule 8

The right of women prisoners to medical confidentiality, including specifically the right not to share information and not to undergo screening in relation to their reproductive health history, shall be respected at all times.

Rule 9

If the woman prisoner is accompanied by a child, that child shall also undergo health screening, preferably by a child health specialist, to determine any treatment and medical needs. Suitable health care, at least equivalent to that in the community, shall be provided.

THE RATIONALE FOR RULES 6-9

Medical examinations general/ primary health care needs {Rule 6}

Both the SMR and the Body of Principles for the protection of all persons under any form of detention of imprisonment require that a medical screeing of all prisoners is undertaken promptly after admission to prison. As the commentary to the above rule underlines, it is vital that all prisoners

undergo a medical examination and health screening on entry, on an individual basis. This is important {a} to ensure that the prisoner starts or continues receiving proper treatment for any health conditions immediately, taking into account the principle of continuity of care, and {b} to identify any signs of ill-treatment in previous detention/custody and take appropriate action.

The word “promptly” or “as soon as possible” is generally interpreted to mean the day of admission. The CPT has stated that the medical examination should be carried out on the day of admission, especially insofar as remand establishments are concerned, save for exceptional circumstances.

The SMR do not specifically mention the need to assess the gender-specific health care needs of women prisoners. For many women in low-income countries the health screening on entry to prison might constitute their first medical examination. As the commentary notes “women prisoners, typically from economically and socially disadvantaged backgrounds, and many women in low-income countries suffer from a variety of health conditions which may be untreated in the community. In many countries women face additional discrimination and barriers in accessing adequate health care services in the community due to their gender. Therefore women prisoners often have greater primary health care needs in comparison to men”. In addition, women have gender-specific health care needs which, in the case of women prisoners, can include sexual and reproductive health problems stemming from their typical backgrounds, which put them at heightened risk. It is therefore of particular importance to diagnose any existing health conditions from the beginning of their imprisonment and provide treatment, In order to prevent the exacerbation of their health problems during imprisonment.

In addition, data from countries around the world indicate that women entering prison are more likely than men to suffer from mental disabilities, that a large proportion of them have a drug or alcohol dependence, that many women have experienced sexual and physical abuse and violence in their lives prior to prison [or indeed in previous detention], which generate specific mental and physical health care needs.

SEXUALLY TRANSMITTED INFECTIONS AND BLOOD-BORNE DISEASES [RULE 6[A]

Due to the typical background of women prisoners, which can include injecting drug use, sexual abuse, violence, sex work an unsafe sexual practices, a significant number of women are infected with sexually transmitted infections [STIs], HIV and hepatitis, at the time they enter prison. In addition, women have a particular physical vulnerability to HIV. Studies have shown that women are at least twice as likely as men to contract HIV through sex. The pre- existence of a STI can greatly increase the risk of contracting HIV. Thus, the proportion of women in prison with an STI is relatively very high.

Ensuring that such diseases are diagnosed as soon as possible on admission is crucial to provide the medical care required to women who have been diagnosed with any disease as well as to prevent the spread of transmissible diseases.

MENTAL HEALTH CARE [RULE 6[B]]

Widespread domestic violence against women and sexual abuse prior to imprisonment has been documented in countries worldwide. Women who are admitted to prison are more likely than men to have mental health care needs, often as a result of domestic violence, physical and sexual abuse. Some women, who have experienced particularly severe violence, may be suffering from post-traumatic stress disorder. Experience in some countries indicates that women prisoners may be more susceptible to self- harm and suicides. For example research published in 2009 in the UK found that suicide was 20times more common among female prisoners than in the general female population, whereas research conducted among male prisoners in 2005 found that suicide was five times more common among male prisoners than in the general male population. The report pointed to a “clear 'gender gap' in suicide for male and female prisoners". Experts explained this as follows; 'one possible explanation….. is that females entering prison may have higher prevalence of risk factors associated with suicide, such as depression, previous self-harm and history of physical and sexual abuse. Substance misuse is a risk factor for prison suicides, and a systematic review has shown that the relative excess misuse in prisoners compared with the general population is higher for female inmates. Another explanation is that prison may specifically increase the vulnerability of females to suicide".

Imprisonment can exacerbate existing mental health care needs, especially in the case of women, who feel the impact of separation from children, families and communities, particularly severely.

The comprehensive and detailed screening of women on first admission to prison and regularly throughout their stay, covering health and trauma histories and current mental health status, among others, are key to providing the services appropriate in each case on an individualized basis.

EXTERNAL CONTACT (FROM THE UNODC HAND BOOK ON PRISONER FILE MANAGEMENT)

Cntd. from last Edition

Protection of children:

The convention on the Rights of the Child includes provisions for children who are detained for any reason. Article 37 requires state parties to ensure that

a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.

b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.

d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or liberty before a court or other competent, independent and impartial authority, and to prompt decision on any such action.

The existence of an accurate , complete and accessible prisoner file system assures that the age and sex, of the detained person is s recorded, and consequently, that the juveniles [under the treaty, those under 18 years of age] are detained in accordance with law, separate from adults.

Principles and procedures to demonstrate respect for and compliance with the convention of the rights of the child, are contained within the United Nations Standard Minimum rules for the Administration of Juvenile Justice[also known as the Beijing Rules] and more recently, the United Nation Rules for the protection of Juveniles Deprived of their liberty.

RECORDS:

The United Nations Standard Minimum rules for the Administration of Juvenile Justice [the Beijing Rules] [1985] clearly establishes a strong duty of care on the part of the state in the case of any child in conflict with the law. The wellbeing of the child is in fact the predominant state responsibility throughout any proceedings.

7[1] Basic procedural safeguards such as the presumption of innocence, the right to be notified of the charges, the right to remain silent, the right to counsel, the right to the presence of a parent or guardian, the right to confront and cross-examine witnesses and the right to appeal to a higher authority shall be guaranteed at all stages of proceedings.

8[1]The juveniles right to privacy shall be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labeling.

8[2] In principle, no information that may lead to the identification of a juvenile offender shall be published

21[1] Records of juvenile offenders shall be kept strictly confidential and closed to third parties. Access to such records shall be limited to persons directly concerned with the disposition of the case at hand or other duly authorized persons.

21[2] Records of juvenile offenders shall not be used in adult proceedings in subsequent cases involving the same offender.

Accurate and accessible files are essential to demonstrate the existence of these safeguards and compliance by the detaining authorities. The United Nation Rules for the protection of juveniles deprived of their liberty [1990] also identifies the need for proper prisoner file systems.

19. All reports, including legal records, medical records and records of disciplinary proceedings , and all other documents relating to the form, content and details of treatment, should be placed in a confidential individual file, which should be kept up to date, accessible only to authorized persons and classified in such a way as to be easily understood. Where possible, every juvenile should have the right to contest any fact or opinion contained in his or her file so as to permit rectification of inaccurate, unfounded or unfair statements in order to exercise this right, there should be procedures that allow an appropriate third party to have access of juveniles shall be sealed, and, at an appropriate time, expunged.

20. No juvenile should be received in any detention facility without a valid commitment order of a judicial, administrative or other public authority. The details of this order should be immediately entered in the register. No juvenile should be detained in any facility where there is no register.

Admission, Registration, Movement and Transfer:

21. In every place where juveniles are detained, a complete and secure record of the following information should be kept concerning each juvenile received:

a) Information on the identity of the juveniles.

b) The fact of and reasons for commitment and the authority therefore.

c) The day and hour of admission, transfer and release.

d) Details of the notifications to parents and guardians on every admission, transfer or release of the juvenile in their care at the time of commitment.

e) Details of known physical and mental health problem, including drug and alcohol abuse.

22. The information on

admission, place, transfer and release should be provided without delay to the parents and guardians or closest relative of the juvenile concerned.

23. As soon as possible after reception, full reports and relevant information on the personal situation and circumstances of each juvenile should be drawn up and submitted to the administration

24. On admission, all juveniles shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations in a language they can understand, together with the address of the authorities competent to receive complaints, as well as the address of public or private agencies and organizations which provide legal assistance. For those juveniles who are illiterate or who cannot understand the language in the written form, the information should be conveyed in a manner enabling full comprehension.

To be continue

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

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Photo by Amnesty International

Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph I of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph I of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extradite offences between themselves subject to the conditions provided by the

law of the requested State.
4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph I of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

To be continue

FIVE CORPORATIONS MAKING MILLIONS FROM MASS INCARSERATION

By **JameKilgore**

Likely the most well-known prison profiteers in the United States are the Corrections Corporation of America and The GEO Group. Between them, these two firms pulled in about $3.3 billion last year running scores of private prisons and immigration detention centers.

However, these two firms are not alone feasting at the trough of corrections expenditure. Many other companies, most of them off the popular radar, are also benefiting from epidemic prison and jail building. Some may even be even operating in your neighborhood. Here we'll do a quick sketch of five such companies, outline their activities, ponder their deeds of infamy, and reflect a little on how to curtail their profiteering.

No. 1: Turner Construction: If We Build it They Will Come

Let's start with the construction sector. Prison construction managers don't come with a tool box and a pick-up. They are world-class operators. The largest player in this field is New York-based Turner Construction, a subsidiary of the German giant Hochtief.

According to IbisWorld, Turner's average annual income for prison and jail construction came to $278 million per year from 2007 to 2012. This represents lots of money in most quarters, but qualifies as only slightly more than pocket change to a firm that earned $9 billion in total revenue for 2013. In almost a century and a half of operation, Turner has been involved in building New York's Lincoln Center for the Performing Arts, Kansas City's Arrowhead Stadium and constructing corporate headquarters for Boeing and the RAND Corporation. It has about 5,000 employees worldwide.

Despite prisons and jails not being their core business, they are still virtually omnipresent in the sector. Turner did construction management for a 6,000-bed facility in Bunker Hill, Indiana, participated in an $800 million overhaul of several state prisons in Pennsylvania in 2009, led work on jail construction in Forsyth County, Georgia ($100 million), Fort Bend County, Texas ($75 million), Johnson City, Kansas ($50 million), Kenton County, Ohio ($41 million), as well as on two jails custom-built for Corrections Corporation of America in Georgia's Wheeler and Coffee counties at an estimated total cost of $80 million.

The demand for bigger and more secure court facilities prompted Cook County in Illinois to contract Turner in 2009 for the $110 million renovation of Chicago's Everett Dirksen Court House. The Army Corps of Engineers employed Turner to upgrade their Detroit Border Patrol Station for $14 million in 2013.

Like many of the firms that reap profits from the prison-industrial complex, they keep quiet about it. Their website highlights their role as the "leading builder of green buildings." They also proclaim on their website: "We have the highest ethical standards in the industry. We 'do the right thing.'" Perhaps doing the right thing might include pulling out of prison and jail building altogether, especially since an income cut of $278 million would reduce their annual revenue only by about 3 percent.

No. 2: BI Incorporated: Keeping Track of "Offenders"

Colorado-based, BI Incorporated manufactures electronic monitors. They specialize in cutting edge GPS-based devices that deliver real-time location tracking. BI also offers technology for monitoring of alcohol consumption through an ankle bracelet or a remote breathalyzer known as Soberlink. BI monitors about 60,000 people at any given moment in all 50 states.

More people out of prison on ankle bracelets could mean plummeting profits for the GEO Group prison operations. BI also contracts with state and county authorities to supervise people on electronic monitoring, in essence offering a form of privatized probation and parole. This supervision is typically done through "community-based" electronic monitoring offices. In most of their "community" corrections work, they stress the notion of user pays. In some instances, BI "probation" officers are expected to be the collection agents for these fees. Former employees have reported to *Truthout* that they received a bonus if they passed a certain target in collecting fees for services from their clients. In addition to community-based offices, BI operates a national call center from Indianapolis, which tracks all those on BI GPS monitors across the country.

While traditionally BI's monitoring market has focused on those involved directly in the traditional criminal justice system, in 2009, BI entered a new field: immigration. They signed a five year, $372 million contract with Immigration and Customs Enforcement (ICE) to intensively supervise up to 27,000 people who were awaiting judgment in

deportation or asylum cases, but not held in detention centers. The ICE contract was renewed in 2014, though reduced to roughly $235 million for five years.

BI was an independent firm for over two decades, but their contract with ICE made them an attractive target for acquisition. Hence, in 2011, the GEO Group bought out BI for $415 million. GEO Group's acquisition of BI was in line with the increasing specialization of private prison companies in immigration. While the private prisons own or operate only about 8 percent of prison beds across the country, they control more than 40 percent of the immigration detention cells. However, acquiring BI also helped position GEO to limit the extent to which BI might market electronic monitoring as an alternative to incarceration. More people out of prison on ankle bracelets could mean plummeting profits for the GEO Group prison operations.

No. 3: Aramark: Would You Like a Maggot with Your Meal?

Some *Truthout* readers might actually be familiar with Aramark's role in food service provision in colleges and universities. Their dedicated higher education website proclaims the company offers a "total hospitality experience… customized for each higher institution we work with." In 2014, *Fortune* magazine included Aramark on its list of "World's Most Admired Companies," and Ethisphere added them to the list of "World's Most Ethical Companies."

Aramark markets itself as a "green" corporation, taking credit for the recycling of 17.8 million pounds of waste on the campuses it services via participation in the Coca Cola-sponsored Recyclemania Program. In 2013, its revenue was just under $14 billion. It employs 162,000 people worldwide.

The numerous Ohio prisons, where Aramark operation coincided with the presence of maggots, registered no denials of the company's guilt.

While the company wins prizes for its work in higher education and up market conference centers, far less well known are Aramark's operations in more than 600 correctional facilities in which they serve more than a million meals per day. They hold or have held food contracts with state prison systems in Florida, Indiana, Kansas, Kentucky, Michigan and Ohio as well as with dozens of county jails. The two-year contract with Ohio in 2013 involved $110 million. A similar agreement with Michigan was concluded for $145 million.

While these contracts have been healthy for corporate bottom lines, they have brought Aramark far more reprimands than accolades. Their reprimands include $200,000 in fines in Michigan for food shortages and a $142,000 penalty in Ohio for not hiring enough staff, as well as other infractions.

Apart from shortages, there were also a series of reports of maggots in the food in both states. While Corrections authorities later absolved Aramark from responsibility for the presence of maggots in Michigan, the numerous Ohio prisons, where Aramark operations coincided with the presence of maggots, registered no denials of the company's guilt.

These problems in Michigan and Ohio are but the latest chapter in carceral food service debacles involving Aramark. Florida terminated a contract with Aramark in 2008 after repeated violations. In addition, Aramark employees have been involved in a number of activities deemed inappropriate.

An Aramark employee in Indiana was charged with a felony for delivering marijuana and a cell phone to prisoners. In Michigan in 2014, four Aramark employees were suspended for allegedly having illicit sexual contact with male prisoners in a walk-in kitchen cooler, and dozens of other former Aramark staff have been permanently banned from Michigan state prisons.

While they may be winning prizes on college campuses, Aramark clearly has lower standards when it comes to serving people behind bars.

No. 4: Securus Technologies: Justifying $1.3 billion in Kickbacks

Securus Technologies specializes in telecommunications in prisons and jails. It currently is the second largest provider of carceral phone services. The company was acquired by Castle Harlan, Inc., a New York-based private equity corporation, in 2011 for an estimated $450 million. Securus currently operates in some 2,200 correctional facilities in North America.

For years, companies like Securus have been winning phone contracts by overcharging customers, and then paying kickbacks to state departments of corrections and local sheriffs. Nationally, the FCC estimates that kickbacks come to over $400 million annually. All of these kickbacks, officially called "site commissions" are legal – written right into the contracts.

Illinois is a typical example of Securus's operations in this world of phone super profits. The company currently holds the phone contracts in 76 of the state's 102 county jails, as well as the lucrative pact covering some 48,000 men and women in Illinois Department of Corrections (IDOC) prisons.

In 2012, the kickbacks for the state prison contract alone put some $12 million back into the IDOC's coffers. For a person in an Illinois state prison, any intrastate phone call, even a one-minute conversation, will cost $4.05. Plus, to pay for the call, family members must deposit a minimum of $25 in a pre-paid account, and pay an extra fee of $7.95 to be able to make the deposit. At the county level, some rates are even higher, with some callers paying up to $7.55 for a 15-minute local call.

Moreover, many Securus video contracts mandate that the jails ban face-to-face visits to generate more money for the video system.

Securus has vigorously defended the $1.3 billion in kickbacks it has paid out over the last decade. Company CEO Richard Smith argued that "Clearly these commission payments that have been used to fund critical inmate welfare programs and support facility operations and infrastructure have improved the lives of inmates, victims, witnesses and individuals working in the correctional environment, and helped to fund government operations."

A national Campaign for Prison Phone Justice, involving more than 50 organizations, vehemently disagrees with Smith's assessment. Members have been pressuring federal authorities to cap the charges

on prison phone calls and to eliminate the kickbacks. The Federal Communications Commission is presently considering action to curb the profits earned by Securus and others involved in carceral telecommunications services.

In recent years, Securus has been branching out into other revenue pools in the prison-industrial-complex. One new area of operations has been video visiting. Typical video visitation contracts charge loved ones a dollar a minute to have what is essentially a Skype session with a person inside a jail. Moreover, many Securus video contracts mandate that the jails ban face-to-face visits to generate more money for the video system. However, its plans to impose a system to eliminate face-to-face visits in Dallas County, Texas, earlier this year were blocked through national lead by the Campaign for Prison Phone Justice.

More recently, Securus bought up controlling interest in STOP, a major provider of electronic monitoring services in the United States, another future income stream. User fees for being monitored currently run anywhere from $5 to $40 a day.

No. 5: Bob Barker: "Honoring God in All We Do"

While a host of suppliers have found prisons and jails to be a unique niche, perhaps none has adapted to the new marketplace as masterfully as Bob Barker Industries. Founded in the 1970s and now based in Fuquay-Varina, North Carolina, Bob Barker (no connection to the former TV game show host) produces a wide range of goods for prisoners and prison staff.

The firm bills itself as a "worldwide leader in delivering innovative products and services to correctional and rehabilitation customers." The company vision: "Transforming criminal justice while honoring God in all we do," captures the divine inspiration behind their profit-making.

Barker's transformation program includes a variety of cheaply made goods for the incarcerated: jumpsuits, sandals, T-shirts, board games, and black-and-white-striped canvas shoes. They also sell steel stools and benches for day rooms and yards.

In 1999, they opened their "officers-only" line and began to offer corrections staff a range of uniforms plus security items like handcuffs, and leg shackles. In more recent years, they have diversified into body armor, eyeglasses featuring imbedded digital cameras and riot shields.

One of their points of pride is innovation. A 1996 trademark application landed them the brand "Correctional Classics." Since that time these classics have taken a number of forms. In response to overcrowding, they designed a three-tier bunk, which many facilities have used to house people in gyms and day rooms and other places which were never designed as living space. Perhaps their most heavily marketed product is the van cell, which allows officers to lock a person inside a cell while they are being transported from one destination to another.

However, likely their most famous catalog item is the most simple: the throwback, striped prison uniform. With the revival of such stigmatizing clothing in the last decade, Bob Barker has been at the forefront, with an edition the firm markets as the "convict classic."

While production has sapped most of the firm's energy over the past four decades, about two years ago, Bob Barker Industries underwent a process of reflection and added a vice president of social responsibility, tasked with monitoring and improving the company's impact.

Since that time, some changes have taken place, including the installation of solar panels at company headquarters as an energy-saving measure. However, perhaps their most daring venture has been the initiative sparked by Bob Barker, Jr. (son of the company founder) to address recidivism. Based on the newfound company revelation that "incarcerated individuals have value in the eyes of God," the newly minted Bob Barker Foundation has attempted to support a number of rehabilitation initiatives.

THE BACKLASH AGAINST AFRICAN WOMEN: *by* Sisonke Msimang

JOHANNESBURG — A FEW weeks ago, as I was leaving my office, I stopped at a traffic light and watched a young woman cross the street in front of me. She wore a pair of jean shorts cut fashionably high, and I could see the crease of her left buttock extend each time she took a step. She wouldn't have been out of place in London or New York or Tokyo. Except that this was Johannesburg, the biggest city in a country known for its high levels of violence against women. As I pulled away, I worried that she might be assaulted.

I'm not suggesting that she was inviting trouble. I was anxious because she was walking near the spot where a young woman in a miniskirt had been attacked by a crowd of men a few years earlier. I'd also just watched footage of a crowd attacking and stripping a miniskirt-clad woman in Nairobi just days after the release of the viral video of a woman in New York being catcalled. A few weeks later, another video surfaced in Zimbabwe's capital, Harare. A girl in a short dress was dragged from a minibus onto the street, where an angry crowd of men stripped her naked.

Public striping represent the front lines of a cultural war against women's advancements in traditionally conservative but rapidly urbanizing societies. They aren't really about what women are wearing. They are much more about where women are going.

And many African women are going places quickly. Ngozi Okonjo-Iweala became the first female finance minister in Nigeria; Liberia's president, Ellen Johnson Sirleaf, is one of a handful of elected female heads of state in the world. Lupita Nyong'o's Oscar win and Chimamanda Ngozi Adichie's literary successes have brought attention to the artistic triumphs of a younger generation of women.

Nowhere has progress been more remarkable than in Africa's legislatures. Africans

have significantly outpaced their female peers in America and Europe. In the United States, women hold less than 20 percent of the seats in Congress; similarly, in Britain, women make up just over one-fifth of the members of the House of Commons. Compare this to South Africa, where more than 40 percent of representatives in the National Assembly are women, or Rwanda, where 64 percent of all members of Parliament are women — making it the only country in the world where women outnumber men in the legislature.

Beginning in the 1980s, many African countries started to invest in girls' education and in small enterprise projects. A generation later, an equal number of girls and boys are enrolled in primary schools across the continent. Many women are successful entrepreneurs and, of course, politicians. Precisely because of these rapid changes in women's status, the backlash from churches, political parties, traditional leaders and rural officials has been forceful. Outrage at bold women is both spontaneous and organized. The mob mentality that leads to public strippings arises in urban milieus where male aggression against women is seen as acceptable. Meanwhile, many churches systematically preach female subservience, while traditional tribal leaders often blame women for dislodging men from their rightful places in modern societies.

It has taken some time for this conservative backlash to develop into a coherent and organized force, but today these churches, traditional leaders and politicians are forming powerful coalitions that are seeking to challenge decades of progress.

First, this loose men's movement developed a set of "decency bills" urging women not to undermine their African culture by dressing "inappropriately." In Uganda, an anti-pornography bill initially sought to criminalize the display of "sexual parts of a person such as breasts, thighs, buttocks or genitalia" and to ban behavior that might cause sexual excitement. Overzealous police officers began to arrest women wearing short skirts even before Parliament voted on the measure. Fierce opposition from women's groups forced changes to the final bill signed last year by President Yoweri Museveni, but it remains a vague and problematic law that gives broad discretion to state officials to define pornography and arrest those suspected of an ill-defined crime.

Second, and more pernicious, the movement against women's rights has resorted to bullying and baiting successful women in public spaces. In South Africa, one of the most popular and trusted figures in the country is Thuli Madonsela, who holds the office of public protector. Political cartoonists often depict her as a caped superhero on a mission to bust corrupt politicians. She is widely respected for her refusal to back down in the face of political pressure related to her investigation of the government's spending on a palatial personal residence for President Jacob G. Zuma.

Despite her popularity, it hasn't been an easy ride for Ms. Madonsela and other women who occupy prominent public positions. They have often been subjected to sexist verbal abuse and taunts and jeers about how they look and dress. Members of the ruling party have had to be called to order after insulting Ms. Madonsela's appearance. Last year, a pregnant Member of Parliament was mocked so viciously about the outfit she was wearing that she had to be hospitalized for stress.

These verbal assaults in the halls of power are mirrored by the experiences of women on the streets, who don't have easy access to the constitutional or party protections that public figures enjoy. Ordinary African women, it seems, are bearing the brunt of their sisters' progress. Street harassment is often a sign of deep-seated resentment of women's changing status in society. For men who were raised to believe that they are entitled to be breadwinners and receive sexual gratification and domestic subservience from women, the shift hasn't been easy. For younger men, modern values have jostled sharply against the lessons about manhood they learned at home. With high levels of unemployment and gaping inequalities, old conceptions of masculinity die hard.

South Africa has what is considered the most progressive constitution in the world, including a bill of rights that promotes and protects women's rights. Despite this, in 2012, the Congress of Traditional Leaders of South Africa sponsored a bill in Parliament that would have effectively made all women in rural areas legal minors, subject to the whims of traditional chiefs. Had it become law, the bill would have created a separate legal system for millions of people living in rural areas. Chiefs would have been able to force their subjects to adhere to customary laws and practices that are outmoded and unconstitutional, and it would have been a crime for those living in areas covered by traditional courts to opt out and seek justice in the formal legal system.

This attempt to disenfranchise millions of women in one of Africa's most vibrant constitutional democracies demonstrates the extent to which advances in gender equality are often met with hostility.

Fortunately, the continent is home to loud and organized women's movements that have thus far been able to repel many attempts to undermine women's progress through protests and parliamentary campaigns and the creative use of media and technology.

Their protests have been daring and their collective message has been clear: The walk from the streets to the halls of power may be long, but the goal is well within reach.

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UNITED NATIONS PRINCIPLES AND GUIDELINES ON ACCESS TO LEGAL AID IN CRIMINAL JUSTICE SYSTEMS: *Cntd. from last Edition*

B. Principles

Principle 1. Right to legal aid

14. Recognizing that legal aid is an essential element of a functioning criminal justice system that is based on the rule of law, a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process States should guarantee the right to legal aid in their national legal systems at the highest
Possible level, including, where applicable, in the constitution.

Principle 2. Responsibilities of the State

15. States should consider the provision of legal aid as their duty and responsibility. To that end, they should consider, where appropriate, enacting specific legislation and regulations and ensure that a comprehensive legal aid system is in place that is accessible, effective, sustainable and credible. States Should allocate the necessary human and financial resources to the legal aid system.

16. The State should not interfere with the organization of the defence of the beneficiary of legal aid or with the independence of his or her legal aid provider.

17. States should enhance knowledge of the people about their rights and obligations under law through appropriate means, in order to prevent criminal conduct and victimization.

18. States should Endeavour to enhance the knowledge of their communities about their justice system and its

functions, the ways to file complaints before the courts and alternative dispute resolution mechanisms.

19. States should consider adopting appropriate measures for informing their community about acts criminalized under the law. The provision of such information for those travelling to other jurisdictions, where crimes are categorized and prosecuted differently, is essential for crime prevention.

Principle 3. Legal aid for persons suspected of or charged with a criminal offence

20. States should ensure that anyone who is arrested, detained, suspected of or charged with a criminal offence punishable by a term of imprisonment or the death penalty is entitled to legal aid at all stages of the criminal justice process.

21. Legal aid should also be provided, regardless of the person's means, if the interests of justice so require, for example, given the urgency or complexity of the case or the severity of the potential penalty.

22. Children should have access to legal aid under the same conditions or more lenient conditions as adults.

23. It is the responsibility of police, prosecutors and judges to ensure that those who appear before them who cannot afford a lawyer and/or who are vulnerable are provided access to legal aid.

Principle 4. Legal aid for victims of crime

24. Without prejudice to or inconsistency with the rights of the accused, States should, where appropriate, provide legal aid to victims of crime.

Principle 5. Legal aid for witnesses

25. Without prejudice to or inconsistency with the rights of the accused, States should, where appropriate, provide legal aid to witnesses of crime.

Principle 6. Non discrimination

26. States should ensure the provision of legal aid to all persons regardless of age, race, colour, gender, language, religion or belief, political or other opinion, national or social origin or property, citizenship or domicile, birth, education or social status or other status.

Principle 7. Prompt and effective provision of legal aid

27. States should ensure that effective legal aid is provided promptly at all stages of the criminal justice process.

28. Effective legal aid includes, but is not limited to, unhindered access to legal aid providers for detained persons, confidentiality of communications, access to case files and adequate time and facilities to prepare their defense.

Principle 8. Right to be informed

29. States should ensure that, prior to any questioning and at the time of deprivation of liberty, persons are informed of their right to legal aid and other procedural safeguards as well as of the potential consequences of voluntarily waiving those rights.

30. States should ensure that information on rights during the criminal justice process and on legal aid services is made freely available and is accessible to the public.

A BILL FOR AN ACT TO PROVIDE AND PROTECT THE RIGHT OF THE NIGERIAN CHILD AND OTHER RELATED MATTERS, 2003

8.—(1) Every child is entitled to his privacy, family life, home, correspondence, telephone conversation and telegraphic communications, except as provided in Subsection (3) of this section.

(2) No child shall be subjected to any interference with his right in Subsection (1) of this section, except as provided in Subsection (3) of this section.

(3) Nothing in the provision of Subsections (1) & (2) of this section shall affect the rights of parents and, where applicable, legal guardians, to exercise reasonable supervision and control over the conduct of their children and wards.

9.—(1) Every child is entitled to freedom of movement subject to parental control which is not harmful to the child (2) Nothing is Subsection (1) of this section shall affect the right of a parent, and where applicable, a legal guardian or other appropriate authority to exercise control over the movement of the child in the interest of the education, safety and welfare of the child.

10.—(1) A child shall not be subjected to any form of discrimination merely by reason of his belonging to a particular community or ethnic group or by reason of his lace of origin, sex, religion or political opinion.

(2) No child shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

11. Every child is entitled to respect for the dignity of his person, and accordingly, no child shall be—

(a) Subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, Including sexual abuse; or

(*b*) Subjected to torture, inhuman or degrading treatment or punishment; or

(*c*) Subjected to attacks upon his honor or reputation; or

(*d*) Held in slavery or servitude, while in the care of a parent, legal guardian or school authority or any other person or authority having the care of the child.

12.—(1) Every child is entitled to rest and leisure and to engage in play, sports and recreational activities appropriate to this age.

(2) Every child is entitled to participate fully in the cultural and artistic activities of the Nigerian, African and world communities.

(3) Every Government, person, institution, service, agency, organization and body, responsible for the care and welfare of a child shall, at all times, ensure adequate opportunities for the child in the enjoyment of the rights provided for the child in Subsections (1) and (2) of this section.

13.—(1) Every child is entitled to enjoy the best attainable state of physical, mental and spiritual health.

(2) Every Government, parent, guardian, institution, service, agency, organisation or body responsible for the care of a child shall endeavor to provide for the child the best attainable state of health.

(3) Every Government in Nigeria shall—

(*a*) Endeavour to reduce infant and child mortality rate;

(*b*) Ensure the provision of necessary medical assistance and health care services to all children with emphasis on the development of primary health care;

(*c*) Ensure the provision of adequate nutrition and safe drinking water;

(*d*) Ensure the provision of good hygiene and environmental sanitation;

(*e*) Combat disease and malnutrition within the framework of primary health care through the application of appropriate technology;

(*f*) Ensure appropriate health care for expectant and nursing mothers; and

(*g*) Support, through technical and financial means the mobilisation of national and

local community resources in the development of primary health care for children.

(4) Every parent, guardian or person having the care and custody or a child under the age of two years shall ensure that the child is provided with full immunization.

(5) Every parent, guardian or person having the care of a child who fails in the duty imposed on him under Subsection (4) of this section commits an offence and is liable on conviction for—

(*a*) A first offence, to a fine not exceeding five thousand Naira; and

(*b*) A second or any subsequent offence, whether in respect of that child or any other child, to imprisonment for a term not exceeding one month.

(6) The court may make, in substitution for or addition to any penalty stipulated under Subsection (5) of this section, an order compelling the parent or guardian of a child to get the child immunized.

HOW TO REDUCE HIGH INCARCERATION RATES

by **Ben Vollard**

Incarceration is costly – easily €100 to €200 per night per prisoner, depending on the country and the prison regime. That makes €36,500 to €73,000 per prisoner per year, excluding fixed costs of building prisons, and all other costs such as time not spent at work or with the family.

Given the pressure on government budgets, many states and countries are looking into reductions in prison expenditures. The short-term solution is to reduce the number of prisoners by way of early release. The longer-term solution is to change sentencing policy. This is all easier said than done, however, given public concerns about the effect of lower incarceration rates on crime. Incarceration also provides important benefits to society after all, including deterrence (Durlauf and Nagin 2011) and incapacitation (Owens 2009) of offenders.

We argue that a reduction in the number of inmates taxes these benefits of incarceration the least if it happens selectively. Being more selective in whom to incarcerate for how long puts scarce public resources to their best use.

Selective incapacitation

The idea of selective incapacitation is to make a distinction between offenders with a high and with a low propensity to commit crime. Those of the high propensity type – the prolific offenders – are responsible for a large share of violent and property crime (Tracy et al. 1990). To them, the default penalties have little deterrent effect. By making the length of a prison sentence conditional upon an offender's criminal record, enhanced prison sentences can be targeted at this population. After all, by repeatedly breaking the law, these offenders reveal themselves to be of the prolific type (Polinsky and Rubinfeld 1991). Once the harsher sentences apply, the penalties may begin to make a difference, if not through deterrence, then by way of incapacitation in prison.

Distorted views

Selective incapacitation has received a lot of bad press. The main reason is the not-so-sensible application of the idea in the state of California. In the 1990s, this state adopted a sentencing policy commonly known as the 'three strikes law'.

What makes this law so problematic? First, the three strikes law added sentence enhancements for repeat offenders to prison sentences that were already long. As incidence of criminal activity decreases as the offender ages, enhancing long prison sentences may 'incapacitate' offenders who would have refrained from crime for most of the extra time that they spent in prison anyway. Second, California's law is not very selective. One or two prior convictions for a wide range of crimes can trigger prison terms of up to 25 years or life. Casting such a wide net will catch many prolific offenders, but also many people who are already at the end of their criminal careers. Incarcerating these marginal offenders will lower the crime-reducing effect of prison and the net social benefit of this policy.

Even though California's three strikes law is not particularly selective, virtually all evaluations of selective sentencing are based on this particular law. It has been found to have a deterrent effect, albeit at high cost (Helland and Tabarrok 2007). How much of an incapacitation effect the California law had remains unclear (see Vollaard 2012 for a review). Notwithstanding the absence of evidence on the overall crime-reducing effect of the policy, commentators and scholars alike are quick in condemning a policy of selective incapacitation as part of California's ill-guided strategy of 'mass incarceration' (see Chen 2008).

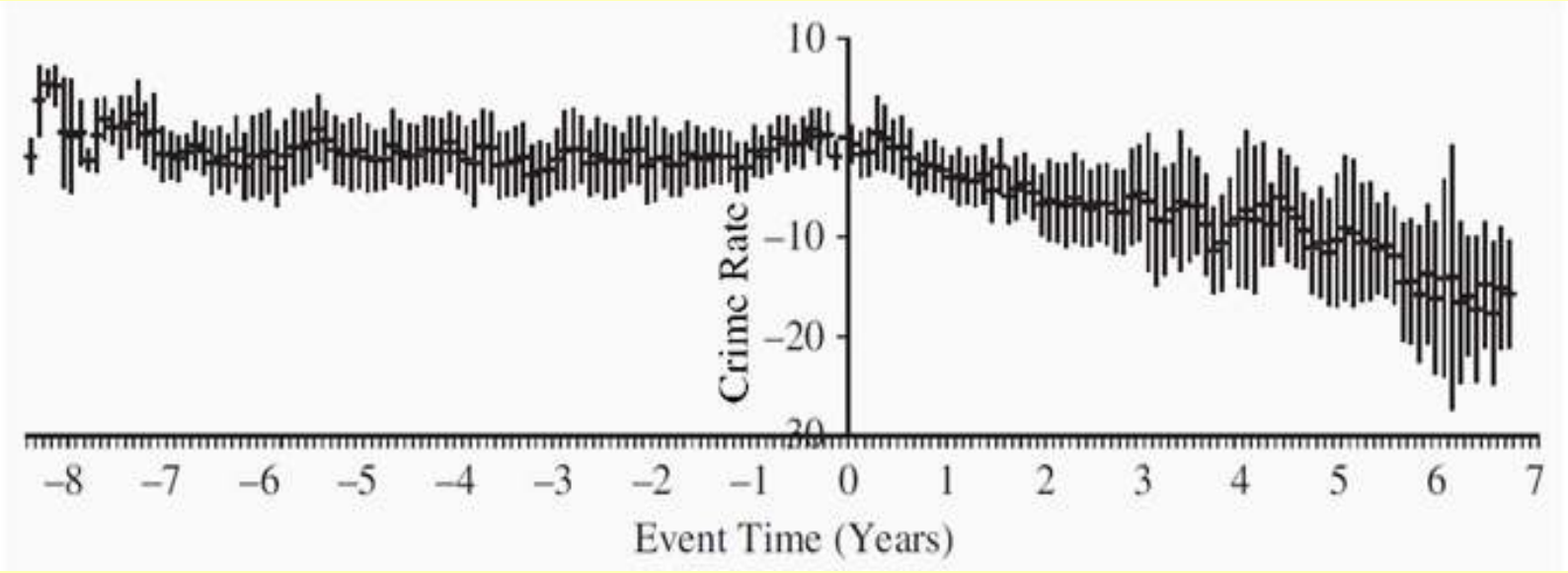
Experiences outside California

Given the limited evidence outside the California context, experiences with a policy of (truly) selective incapacitation elsewhere should be particularly informative. Policies of similar nature have been adopted in a number of countries, including Great Britain and Australia in 1997, the Netherlands in 2001, Hungary in 2009, and New Zealand in 2010.

Recently, we published the results of a study into the costs and benefits of a habitual offender law adopted in the Netherlands in 2001 (Vollaard 2012). The law was highly selective. Only offenders with ten or more offenses on their criminal record and a history of being resistant to any short-term rehabilitative programme faced the enhanced prison-terms. Between 2001 and 2007, 1,400 mostly non-violent, relatively old and invariably drug-addicted offenders were sentenced under the law. They accounted for 5% of the prison population.

The law implied sentence enhancements of some 1,000%, typically a two-year rather than a two-month sentence for the affected offender population. While this is a huge increase in sentence length, the overall rate of incarceration was hardly affected because of the small number of offenders involved. To identify the crime-reducing effect of the law, we exploited the fact that its adoption at the local level happened under quasi-experimental circumstances and that the criminal activities of the affected offender population were strongly tied to a specific locality.

Figure 1. Average rate of theft from car and domestic burglary – pre and post-introduction of the Dutch habitual offender law



Note: Plotted coefficients show the average crime rate relative to the month preceding introduction of the habitual offender law. The bars show the 95% confidence intervals. Based on monthly data for 31 cities during 1998-2007.

Source: Vollaard (2012).

We find that, on average, the sentence enhancements resulted in a 25% drop in acquisitive crime – exactly the types of crimes that the affected offenders committed. Figure 1 illustrates the average impact of the policy in the years after its introduction. We show that the law did not have an impact on violent and sexual crimes, offenses that were rarely committed by the affected offenders. We do not know of any crime policy in the history of the Netherlands that was similarly effective.

In addition, we find the benefits of the policy to exceed the costs by a large margin. These benefits go down rapidly with a more intensive use of the law, however. The marginal crime-reducing effect of convicting another prolific offender to an enhanced prison sentence declines by some 25% when going from low to high use of the law. During 2001-2007, the benefits of the policy remained higher than the costs, even for the cities which used the law most intensively.

Lessons for policy

These findings suggest that making the length of prison sentences more dependent on someone's prior criminal record can be a very cost-effective crime policy. The Dutch policy affected only 5% of the prison population, but reduced property crime rates by 25% to 40%. How effective such sentencing policies are in other contexts depends on existing policies and how selective the law is.

What does that teach us for states like California that are struggling with high incarceration rates and accompanying high costs of its prison system? First, when prisons are overcrowding, the default prison sentences for low-rate offenders can be reduced (instead of enhancing sentences for high-rate offenders, a strategy for regions with short prison sentences). That also results in a greater distinction in prison terms between high and low-rate offenders. At the same time, in states like California and Florida, the additional years in prison for repeat offenders can be greatly limited – at limited cost in terms of higher crime rates. The additional prison years that extend into ages at which very few people still show criminal inclinations could be scrapped.

Second, the enhanced sentences can be limited to only the most prolific of offenders. That would mean going from two to three strikes as the threshold for the harsher sentences in California to, for instance, five to ten strikes.

Finally, in line with the experiences in the Netherlands, additional criteria for receiving an enhanced sentence can be formulated, such as a history of denying drug treatment or a failure to successfully complete other rehabilitative programmes. That would make the sentence enhancements even more selective, making sure that our criminal justice euros are spent on the most harmful criminals.

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Source: http://www.voxeu.org/article/how-cut-prison-numbers

NEWS!

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