
Privatization of Corrections: A Violation of U.S. Domestic Law, International Human Rights, and Good Sense

by *Ira P. Robbins*

IN THE 1980S THE U.S. criminal justice system faced rising numbers of inmates and overcrowded prison conditions. The federal government and many state governments looked to the private sector for some relief.¹ The result was the emergence of a new concept: the privatization of corrections, occasionally known as “prisons for profit,” “punishment for profit,” or “dungeons for dollars.”

Prison privatization differs from private industries in prisons, which seek to turn prisoners into productive members of society by having them work at a decent wage and produce products or perform services that can be sold in the marketplace.² Privatization is also different from the situation in which some of the services of a facility — such as medical, food, educational, or vocational services — are operated by private industry. Rather, the idea is to have the government contract with a private company to operate — and sometimes own — the total institution. The practice quickly spread abroad, with countries such as Australia, New Zealand, and the United Kingdom privatizing parts of their correctional systems.

Sir Nigel Rodley, former United Nations Special Rapporteur on Torture, explains that “the profit motive of privately operated prisons ... has fostered a situation in which the rights and needs of prisoners and the direct responsibility of states for the treatment of those they deprive of freedom are diminished in the name of greater efficiency.”³ Where the safe and fair treatment of prisoners is compromised by private corporate goals, national law and international human rights instruments should protect them. In Professor Cosmo Graham’s words, there is an attendant tension “between a human rights approach and an approach to policy delivery that emphasizes the virtues of market based delivery mechanisms.”⁴ This article argues that the concept of privatization of corrections is bad policy, is based on a tenuous legal foundation, and has profound moral implications.

ADVANTAGES AND CRITICISMS: A MAJOR DEBATE

PROponents of the privatization of prisons and jails — including some corrections professionals, major financial brokers, and investors — argue that the government has been doing a dismal job in its administration of correctional institutions. Costs have soared and prisoners are kept in conditions that shock the conscience, often coming out worse than when they went in.

The private sector, advocates claim, can save the taxpayers money. It can build facilities faster and cheaper, and it can operate them more economically and more efficiently. With maximum flexibility and little or no bureaucracy, new ideas (like testing new philosophies) and routine matters (like hiring new staff) can be implemented quickly. Overcrowding — perhaps the major problem of corrections today — can be reduced. A final anticipated benefit of privatization is decreased government liability in lawsuits brought by inmates and prison employees.

Critics argue that as a matter of policy it is inappropriate to operate prisons with a profit motive, which provides no incentive

to reduce overcrowding (especially if the company is paid on a per-prisoner basis), to consider alternatives to incarceration, or to deal with the broader problems of criminal justice.⁵ On the contrary, critics assert that the incentive would be to build more prisons and jails, which would be filled with more prisoners. This is a fact of correctional life: the number of jailed criminals typically rises to fill whatever space is available.

Privatization also raises concerns about the routine, quasi-judicial decisions that affect the legal status and well-being of inmates. To what extent, for example, should a private corporation employee be allowed to use force — perhaps serious or deadly force — against a prisoner? It is difficult enough to control violence in the public correctional system. It is much more difficult to assure that violence is administered only to the extent required by circumstances when the state relinquishes direct responsibility. With dispersion of accountability, the possibility for vindictiveness increases. For example, an employee in charge of reviewing disciplinary cases at a privately run Immigration and Naturalization Service facility in Houston, Texas, once told a New York Times reporter, “I am the Supreme Court.”⁶

“When prisoners are held for profit rather than for the ends of justice, they are not always treated with dignity.”

INTERNATIONAL HUMAN RIGHTS VIOLATIONS

INTERNATIONAL HUMAN RIGHTS instruments pose additional problems for private incarceration. It is clear — at least at a theoretical level — that prisoners retain their human rights even when deprived of their liberty. The International Covenant on Civil and Political Rights, for example, commands that “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”⁷ Other human rights documents that offer similar commands are the Basic Principles for the Treatment of Prisoners (Basic Principles),⁸ the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,⁹ the African Charter on Human and Peoples’ Rights,¹⁰ and the American Convention on Human Rights.¹¹

When prisoners are held for profit rather than for the ends of justice, they are not always treated with dignity. “When prisoners become units from which profit is derived, there is a tendency to see them as commodities.”¹² The following sections explore numerous human rights dictates and their relationship to private prisons.

Ira P. Robbins is the Barnard T. Welsh Scholar and Professor of Law and Justice at the American University Washington College of Law.

STAFFING

International human rights instruments recognize the crucial role played in prisons and jails by a well-trained and professional staff. For example, the Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules) explains that the proper administration of prisons depends on prison personnel to have the “integrity, humanity, professional capacity and personal suitability for the work.”¹³ The Code of Conduct for Law Enforcement Officials (Code of Conduct) requires that “[g]overnment and law enforcement agencies ... ensure that all law enforcement agencies are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions.”¹⁴

The Standard Minimum Rules provide details on how prison administrations can secure suitable qualities in their staff:

[P]ersonnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.¹⁵

None of these conditions is regularly met in the private prison industry, and the low wages and poor working conditions in private prisons do not allow personnel managers to be selective in their hiring.

Obviously, security officers and prison personnel in private prisons are not civil service employees. Without the stability and protection of civil service, the turnover rate for security staff in private prisons in the U.S. is over 50 percent, compared to just 16 percent for public facilities.¹⁶ In the United Kingdom, staff turnover at private prisons is 35 percent, while it is only five percent in the public sector.¹⁷ Turnover rates at individual prisons can be much worse than these averages: one private facility in Florida reported an annual staff turnover rate of 200 percent.¹⁸

Salaries for guards at private facilities also lag behind those of public employees, as one of the principal cost-cutting areas in private prisons is in labor costs. Private prison companies generally pay employees less than public institutions in both direct salary and fringe benefits.¹⁹ For instance, the starting salary for guards at a private prison in Alabama is \$7 per hour, compared with \$11 per hour for public guards. In the U.K. the average pay for private prison officers is more than 50 percent less than it is for public prison officers.²⁰ This is hardly the type of incentive needed by prisons to recruit suitable security guards.

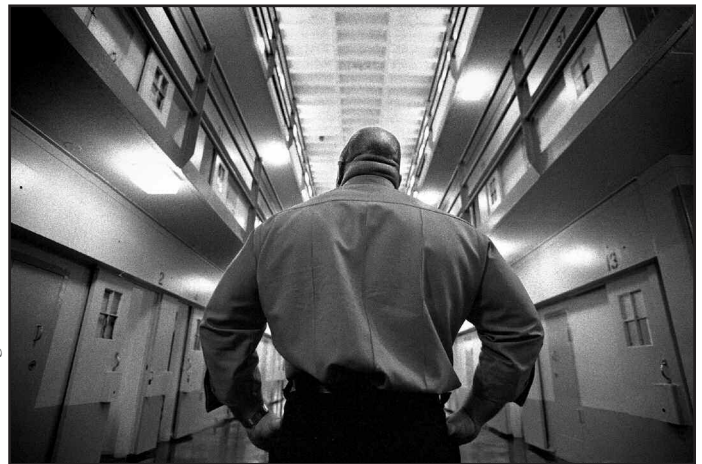
Moreover, the conditions of employment at private prisons tend not to contribute to the recruitment or retention of suitable personnel. The staff-to-inmate ratios are 15 percent lower at private prisons than public ones, which increases the workload for private guards.²¹ Employees in one private British detention center had to work 12-hour shifts with no lunch breaks for 7-day stretches.²² A guard at a private facility in Tennessee found the conditions so demoralizing that he returned to his previous job at a fast food restaurant, where he felt his work would be better respected.²³

Private facilities in Australia have experienced a number of security staff walkouts because of poor working conditions. At Port Hedland, for instance, guards walked off the job as a result of fear that detainees were stockpiling homemade weapons — a charge

the chief executive officer of the detention center denied even when presented with evidence. As the local union leader explained, the private prison “can’t ensure the guards’ safety and for budget constraints they don’t want to.”²⁴ At a Canadian prison, guards had to organize their own campaign to get vaccinations for Hepatitis B despite obvious risks at the facility. A local health professional reported that “[p]ublic-run institutions vaccinate each of their staff ... [b]ut in a private-run enterprise, profit comes at the expense of the workers.”²⁵

STAFF TRAINING AND EXPERIENCE

Beyond staff recruitment and retention, international instruments emphasize the importance of adequate experience and training for prison personnel so that they are qualified to enforce a deprivation of liberty while simultaneously upholding a prisoner’s other human rights. The Code of Conduct insists that prison officials receive “continuous and thorough professional training.”²⁶ The Standard Minimum Rules similarly require that “[b]efore entering on duty, the personnel shall be given a course of training in their general and specific duties,” and “[a]fter entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.”²⁷ Reports indicate, however, that private prison guards receive 35 percent fewer pre-service training hours than public corrections officers.²⁸ In addition, because of the high staff turnover rate at private facilities, large numbers of guards are new each year. These new staff members are often new not only to the private facility but also to



A guard patrols the cellblock at MCI Cedar Junction in Walpole, Massachusetts.

the field of corrections. The staff of a private prison in Western Australia, for example, includes 90 percent with no previous correctional experience.²⁹

This staffing pattern often leads to circumstances in which the prisoners are more experienced than the prison staff. In a report published in September 2003, the chief inspector of prisons for England described the situation at the privately run Dovegate prison as follows:

[T]here was ... a worrying lack of experience and confidence amongst a young, locally recruited staff, few of whom had any previous prison experience, and who were operating with low staffing levels and high staff turnover. By contrast Dovegate’s prisoners were not inexperienced

... Dovegate receives large numbers of long-term, relatively sophisticated prisoners, used to the system and capable of exploiting any weaknesses or naivety in the staff who supervise them.³⁰

At a private facility in Arizona, prisoners had the upper hand such that they even had some staff members “working” for different inmate gangs.³¹ Newspapers in Scotland reported on a heroin distribution ring inside a private prison at which “the cons think they run the place” and the intimidated staff were unwilling to challenge them.³²

Decisions to limit staff training are often based specifically on financial savings. The management of a private prison in Ohio, for instance, decided to skip firearms training for their guards simply because of a \$3,000 cost for state certification.³³ This decision, however, did not stop the company from requiring the guards to handle firearms. One former guard recalls that she was told to patrol the perimeter of the facility with a shotgun despite her protests that she did not know how to use it.³⁴

The training that new recruits do receive exposes questionable attitudes about the human rights of prisoners. For example, new recruits in a private United Kingdom facility were told, “[I]f you

“The purported benefits of prison privatization should not be permitted to thwart, in the name of convenience, consideration of the broader and more difficult problems of criminal justice.”

start treating these people humanely, they think it’s a pushover.”³⁵ In Texas, private guards made a “training video” in which they were beating, stun-gunning, and unleashing dogs on naked prisoners; this situation was strikingly similar to some of the abuses involving private contractors and others at the Abu Ghraib prison in Iraq.³⁶

Although the Basic Principles commands that “[l]aw enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened,”³⁷ allegations of excessive and improper use of force are common in the field of private incarceration. Similar prohibitions exist in other human rights documents as well. The Standard Minimum Rules states that “[o]fficers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations.”³⁸ The Code of Conduct states that “[l]aw enforcement offi-

cial may use force only when strictly necessary and to the extent required for the performance of their duty.”³⁹ Without better employee screening and training, private corrections officers resort to force more often than is necessary.

MEDICAL ACCESS

International human rights principles require that correctional facilities offer adequate access to medical treatment. Human rights instruments that address prisoner medical care include the Basic Principles (requiring that prisoners “have access to the health services available in the country without discrimination on the grounds of their legal situation”)⁴⁰ and the Standard Minimum Rules (providing details for fulfilling human rights obligations, such as “[i]n institutions which are large enough to require the service of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity,” and “[i]n other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.”)⁴¹ In addition, the Code of Conduct requires that “[l]aw enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.”⁴²

Despite the guidance of these international instruments, however, medical offerings at private prisons are often bare-bones operations. A Canadian health professional had praise for the doctors and nurses who tried to run a private jail infirmary, but he added, “[o]ne doctor for 1,100 inmates at a time is woefully inadequate.”⁴³ Because of the severe understaffing, he said that prisoners regularly are sent to the local hospital “writhing in agony because they haven’t received proper pain medication, or with physical conditions that have worsened through neglect.”⁴⁴

The Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment offer further direction on human rights obligations: “Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.”⁴⁵ In sharp contrast to this directive is the testimony of a nurse at a private detention center in Australia who explained that during a prisoner riot medical staff were instructed to treat only guards and not detainees.⁴⁶ And a judge in Texas described the medical neglect of an 18-year-old prisoner who died of pneumonia despite repeated requests for medical attention as “modern day torture.”⁴⁷

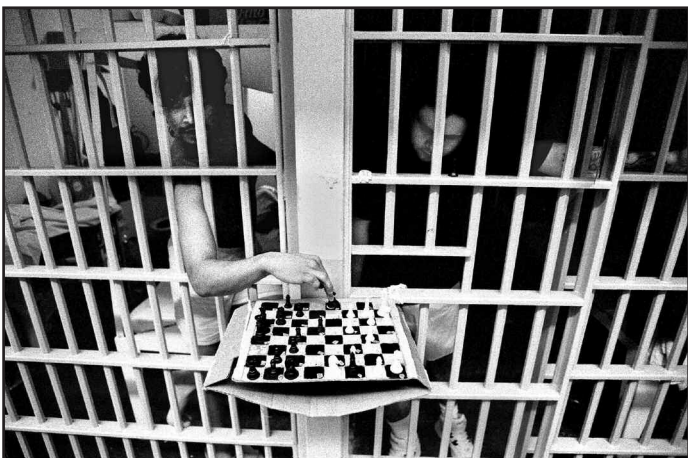
PRISONER PROGRAMS

In addition to medical care, prisons have a responsibility to provide prisoners with suitable rehabilitation programs. Programs for prisoners, such as substance-abuse treatment, education, and job training, however, tend to be limited in private correctional facilities. Private prisons have a double disincentive to aid in the rehabilitation of their charges: by skimping on programs they save money immediately and, by letting prisoners serve out their terms without access to proper rehabilitation programs, they increase the likelihood that those prisoners will become “repeat customers.”

The International Covenant on Civil and Political Rights directs that the “essential aim” of the penitentiary system “shall be [prisoners’] reformation and social rehabilitation.”⁴⁸ Adding more detail, the Standard Minimum Rules requires that

[A]ll appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.⁴⁹

Yet, an unannounced inspection of a private facility in the United Kingdom revealed prisoners who had not been provided with any activity and who often spent their days in bed.⁵⁰ A private jail in Texas was investigated for diverting \$700,000 from a drug-treatment program, while inmates with substance-abuse problems received no treatment whatsoever. In Minnesota a private facility neglected to establish a substance abuse treatment program even though the contract required it.⁵¹ The nearby public prison, by contrast, provided its chemically dependent inmates with full-day therapeutic sessions five times a week.⁵²



© Sim Touhig

Prisoners playing chess in a state prison in Massachusetts.

Where services exist, they may be of poor quality. Anne Owens, the chief inspector of prisons for England and Wales, explained that “private sector contracts have tended to focus on the quantity rather than the quality” of programs, thus work available for prisoners at a particular prison was low skilled and not accredited.⁵³ Briefing notes following an inspection of a prison in Australia described the rehabilitation programs as “chaotic.”⁵⁴

Job training programs are singled out in the Basic Principles and the Standard Minimum Rules, which require, respectively, that “[c]onditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country’s labour market and permit them to contribute to their own financial support and to that of their families,” and that “[v]ocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.”⁵⁵ Where job training programs exist, however, they often do not do much to prepare inmates for the labor market. In a youth facility in Louisiana, for instance, a job training class con-

sisted entirely of showing tool handling safety videos. When the participants finished watching the videos, they simply watched them again.⁵⁶

GOVERNMENT RESPONSIBILITY

Perhaps most important for the purpose of examining the privatization of corrections are the Maastricht Guidelines, which make clear that the state is ultimately responsible for the operations of private prisons and detention centers despite its lesser role in day-to-day operations. The guidelines counsel that, although the

challenge of addressing violations of economic, social and cultural rights is rendered more complicated by [trends toward privatization of government services], it is more urgent than ever to take these rights seriously and, therefore, to deal with the accountability of governments for failure to meet their obligations in this area.⁵⁷

Abdicating the task of keeping prisoners does not allow a state to abdicate the responsibility for their security, health, and humane treatment.

Consider the 1993 European Court of Human Rights case of *Costello-Roberts v. United Kingdom*.⁵⁸ A seven-year-old student at a private school had been “whacked” three times on his backside (through his shorts) with a rubber-soled gym shoe after numerous disciplinary problems. The possibility of corporal punishment was not mentioned in the school’s prospectus. The boy’s mother complained to the police, who told her that no action could be taken without visible bruising.

Although the Court ultimately held, by a vote of 5-4, that there had been no violation of Article 3 (prohibiting torture and inhuman or degrading treatment or punishment) and, unanimously, that there had been no violation of Article 8 (generally prohibiting interference by a public authority with family and private life) or of Article 13 (providing an effective remedy notwithstanding that the violator acted in an official capacity), the decision in *Costello-Roberts* is an important reiteration of the view that private action can engage state responsibility. Significantly, the Court wrote that it “agrees with the applicant that the State cannot absolve itself from responsibility by delegating its obligations to private bodies or individuals.”⁵⁹ Therefore, the Court wrote:

[I]n the present case, which relates to the particular domain of school discipline, the treatment complained of although it was the act of a headmaster of an independent school, is none the less such as may engage the responsibility of the United Kingdom under the Convention if it proves to be incompatible with Article 3 or Article 8 or both[.]⁶⁰

If this proposition is true in the context of private education — where private companies may control many, but not all, aspects of the students’ lives — it is even more compelling in the context of private incarceration — where private companies may control all aspects of their charges’ lives.

In a discussion of the privatization of education, Professors Fons Coomans and Antenor Hallo de Wolf assert that certain functions in the area of education ought not to be contracted out.⁶¹ In parallel fashion, certain functions within the prison setting — such as food service, medical service, educational service, and vocational training — can appropriately be privatized, assum-

ing that the overall level of quality regarding these services is not diminished. But other functions of the incarceration system — those in which accountability to the public is essential and inexorable — i.e., justice-based government functions — go well beyond what Professor Graham calls “essential services” and what the European Union refers to as “services of general interest.” They are and properly should be so uniquely governmental in nature that contracting them out should be viewed as both bad policy and unlawful.

CONCLUSION

THE PURPORTED BENEFITS OF PRISON privatization should not be permitted to thwart, in the name of convenience, consideration of the broader and more difficult problems of criminal justice. To be sure, something must be done about the sordid state of prisons and jails throughout the world. The urgency of the need, however, should not interfere with the caution that must accompany a decision to delegate to private companies one of government’s most basic responsibilities — controlling the lives and liv-

ing conditions of those whose freedom has been taken in the name of the government and the people.

To allow privatization to expand to international markets with little or no scrutiny is clearly inappropriate. Responsible officials in other countries should have the foresight to seek intelligent alternatives to the crisis of over-incarceration. As Professor Lamarche writes, “[A] complex world deserves complex solutions.”⁶² Thus, governments should avoid the political quick-fix that private prison and jail companies promise to provide. And they should not be led in any way to the conclusion that privatization in this critical area of criminal justice makes good sense simply because some government entities in the United States have voted to contract out some prisons and jails. It does not. If, as Professor Felipe Gómez Isa suggests, “globalization [might] someday provide opportunities for the universal extension of human rights,”⁶³ such an extension should ultimately apply to incarceration policies in the United States as well. In short, other countries should neither adopt nor expand our lamentable experiment with private incarceration. **HRB**

ENDNOTES: Privatization of Corrections

EDITOR’S NOTE: This article is a revision of a significantly longer piece, “Privatisation of Corrections: A Violation of U.S. Domestic Law, International Human Rights, and Good Sense,” which appeared in K. De Feyter and F. Gomez, eds., *Privatisation and Human Rights in the Age of Globalisation* (Intersentia 2005).

¹ See Alfred C. Aman, Jr., “Privatization and Human Rights: Private Prisons, Public Participation and Prisoners’ Rights,” in De Feyter and Gomez, *Privatisation and Human Rights*.

² Chief Justice Warren E. Burger, *Keynote Address*, “National Conference on ‘Factories with Fences’: The Prison Industries Approach to Correctional Dilemmas” (June 18, 1984), in Ira P. Robbins, *Prisoners and the Law* (Thomson/West 2006) at ch. 21.

³ Sir Nigel Rodley, “Foreword,” in Andrew Coyle, Allison Campbell, and Rodney Neufeld, eds., *Capitalist Punishment: Prison Privatization & Human Rights* (Clarity Press 2003) at 7.

⁴ Cosmo Graham, “Human Rights and the Privatization of Public Utilities and Essential Services,” in De Feyter and Gomez, *Privatisation and Human Rights*.

⁵ A critic in Scotland recently decried the “‘defeatist attitude’ of those who said the prison population was set to rise and failed to see the need for alternatives to custody.” *BBC News*, “Top judge’s wife attacks jail plans,” http://news.bbc.co.uk/2/hi/uk_news/scotland/2164079.stm (July 31, 2002).

⁶ *N.Y. Times*, “Statement of Corrections Corporation of America employee John Robinson,” (Feb. 19, 1985) at A15.

⁷ International Covenant on Civil and Political Rights, art. 10, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No.16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976, available at <http://www.ochr.org/english/law/ccpr.htm> (accessed Apr. 12, 2006) [hereinafter ICCPR].

⁸ “All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.” GA Res. 111, U.N. GAOR, 45th Session, Supp. No. 49A, 200, U.N. Doc. A/45/49 (1990).

⁹ “All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.” G.A. Res. 173, U.N. GAOR, 43d Session, Supp. No. 49, 298, U.N. Doc. A/43/49 (1988).

¹⁰ “Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status.” OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986.

¹¹ “All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.” OAS Treaty Series No. 36, 1144 UNTS 123, entered into force July 18, 1978.

¹² Catholic Bishops of the South, *Bishops’ Statement*, “Wardens from Wall Street: Prison Privatization,” <http://www.ncjpm.greatnow.com/page30.html> (Nov. 2000).

¹³ *First UN Cong. on the Prevention of Crime and the Treatment of Offenders*, U.N. Doc. A/CONF/611, annex I, ESC res. 663C, 24 U.N. ESCOR Supp. (No. 1), 11, UN Doc. E/3048 (1957), amended ESC res. 2076, 62 UN ESCOR Supp. (No. 1), 35, U.N. Doc. E/5988 (1977).

¹⁴ G.A. Res. 169, U.N. GAOR, 34th Session, Supp. No. 46, 186, U.N. Doc. A/34/46 (1979).

¹⁵ *First UN Cong. on the Prevention of Crime and the Treatment of Offenders*, U.N. Doc. A/CONF/611 at 11.

¹⁶ Camille Camp and George Camp, *The Corrections Yearbook 2000* (2000).

¹⁷ Public Services International Research Unit, *Public/Private Pay Differences*, 56 Prison Privatisation Report International (June 2003), available at <http://www.psiu.org/justice/ppri56.asp> (accessed Apr. 10, 2006).

¹⁸ Christian Parenti, “Privatized Problems: For-Profit Incarceration in Trouble,” in Coyle, Campbell, and Neufeld, *Capitalist Punishment* at 36.

¹⁹ Corrections USA, *Cost Savings*, Prison Privatization Update (Jan.-June 2003) at 31.

²⁰ Public Services International Research Unit, “Public/Private Pay Differences.”

²¹ James Austin and Garry Coventry, U.S. Dep’t of Justice, Bureau of Justice Assistance, *Emerging Issues on Privatized Prisons* (2001) at 52, available at <http://www.ncjrs.gov/pdffiles1/bja/181249.pdf> (accessed Apr. 10, 2006).

²² Bente Molenaar and Rodney Neufeld, “The Use of Privatized Detention Centers for Asylum Seekers in Australia and the UK,” in Coyle, Campbell, and Neufeld, *Capitalist Punishment* at 132.

²³ G.A. Res. 169 at 186.

²⁴ Australian Associated Press, *Sydney Morning Herald*, “Detention center guards strike over weapons fear,” <http://www.smh.com.au/articles/2002/09/24/1032734161434.html> (Sept. 24, 2002).

²⁵ Corrections USA, *Negligence Alleged*, Prison Privatization Update (Jan.-June 2003) at 47.

²⁶ G.A. Res. 169 at 186.

²⁷ *First UN Cong. on the Prevention of Crime and the Treatment of Offenders*, U.N. Doc. A/CONF/611 at 11.

²⁸ Camille Camp and George Camp, *The Corrections Yearbook*.

²⁹ Public Services International Research Unit, *Western Australia: AIMS prison ‘no benefit,’* 59 Prison Privatisation Report International (Dec. 2003), available at <http://www.psiu.org/justice/ppri59.htm> (accessed Apr. 10, 2006).

ENDNOTES continued on page 52