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RE: American Bar Association (ABA), International Rule of Law, International Treaties

[http://www.americanbar.org/advocacy/governmental\\_legislative\\_work/priorities\\_policy/promoting\\_international\\_rule\\_law/international\\_treaties.html](http://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/promoting_international_rule_law/international_treaties.html)

Dear Ms. Gaines,

I am writing you as the ABA Legislative Counsel for International Treaties. Important Treaties of the United States appear to be missing from the ABA International Treaties page:

- International Covenant on Civil and Political Rights (ICCPR)  
Signed by President Jimmy Carter on October 5, 1977  
Ratified by the United States Senate on June 8, 1992
- United Nations Convention against Corruption (UNCAC)  
Signed by President George W. Bush December 9, 2003  
Ratified by the United States Senate on October 30, 2006
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment  
Signed by President Ronald Reagan April 18, 1988  
Ratified by the United States Senate on October 21, 1994

Also the Universal Declaration of Human Rights (UDHR), while not a formal treaty, is a founding resolution of the United Nations General Assembly, Resolution 217(A)(III), December 10, 1948, that the United States agreed to when it joined the United Nation.

Many Americans have suffered a loss of their civil and political rights, live under a system of government corruption, routinely endure torture and other cruel, inhuman or degrading treatment or punishment, and have lost even basic human rights, all of which might apply to Frank Collelo, a 67-year-old Florida man who died after collapsing in a Hillsborough County, Florida courtroom during a hearing on the pending foreclosure of his home. Mr. Collelo, a non-lawyer, was not represented by counsel and appeared pro se to defend his home against foreclosure.  
<http://www.tampabay.com/news/courts/valrico-man-dies-after-collapsing-in-court/2219866>

Could the presence of defense counsel prevented the death of 67 year-old Frank Collelo?

"Legal aid, a right in itself" proclaimed UN Special Rapporteur Gabriela Knauth...

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13382&LangID=E>

“GENEVA (30 May 2013) – The United Nations Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, today urged world governments to develop and sustain effective legal aid systems as an essential component of a fair and efficient justice system founded on the rule of law.”

“Legal aid is both a right in itself and an essential precondition for the exercise and enjoyment of a number of human rights, including the rights to a fair trial and to an effective remedy,” said Ms. Knaul, presenting her latest report to the UN Human Rights Council. “It represents an important safeguard that contributes to ensuring the fairness and public trust in the administration of justice.”

In the Broward County Courthouse, a mentally ill woman, Dasyll Rios cried as she was dragged down a courthouse hallway by a jail deputy. Ms. Rios had just been adjudicated mentally incompetent by a judge. The incident was filmed by defense lawyer Bill Gelin who was in the courthouse for another case.

“They dragged her off like she was a farm animal,” said Gelin, who runs the JAABLOG. “I don’t even think you can treat a farm animal like that anymore.”

The video went viral worldwide and shamed the American justice system.

<http://www.nydailynews.com/news/national/florida-sheriff-deputy-filmed-dragging-mentally-ill-woman-article-1.2127834>

While in the custody of Florida authorities, Brian Sterner, a quadriplegic man sitting in his wheelchair, was dumped to the floor by Deputy Charlette Marshall-Jones of the Hillsborough County, Florida Sheriff’s Office, see the CNN news video: <https://youtu.be/huRYZAJ8wzA>

The Hon. Adalberto Jordan of the U.S. Eleventh Circuit ruled Florida illegally deprived children of needed healthcare, *see Florida Pediatric Society et al v. Liz Dudek, et al.*, Case No. 1:05-cv-23037-AJ, Order (Doc. 1294) Findings of Fact and Conclusions of Law (153 pages), U.S. District Court, Southern District of Florida, Order filed Dec-30-2014.

<http://www.miamiherald.com/news/politics-government/state-politics/article5242959.html>

[http://www.drbcuspids.com/user/documents/content\\_documents/nws\\_rad/2015\\_01\\_02\\_14\\_59\\_17\\_167\\_fla\\_medicaid\\_jordan.pdf](http://www.drbcuspids.com/user/documents/content_documents/nws_rad/2015_01_02_14_59_17_167_fla_medicaid_jordan.pdf)

U.S. incarceration rate highest in the world - Wikipedia

[https://en.wikipedia.org/wiki/United\\_States\\_incarceration\\_rate](https://en.wikipedia.org/wiki/United_States_incarceration_rate)

“In October 2013, the incarceration rate of the United States of America was the highest in the world, at 716 per 100,000 of the national population. While the United States represents about 4.4 percent of the world's population, it houses around 22 percent of the world's prisoners.”

Cold Cell Torture in the United States resulting in hypothermic death. <http://coldcelltorture.com/>

“Engineered hypothermic cold cells are in use around the United States; many tortured, killed.”

"Why is the cold used as torture? The "Cold" is used as torture because it causes severe pain yet leaves no bruise or blood evidence or scars. It causes horrific pain and results in the most painful death man can endure. The problem is it kills."

President George W. Bush addressed The United Nations General Assembly, September 25, 2007 <http://georgewbush-whitehouse.archives.gov/news/releases/2007/09/20070925-4.html>

President Bush said, "Sixty years ago, representatives from 16 nations gathered to begin deliberations on a new international bill of rights. The document they produced is called the Universal Declaration of Human Rights -- and it stands as a landmark achievement in the history of human liberty. It opens by recognizing "the inherent dignity" and the "equal and inalienable rights of all members of the human family" as "the foundation of freedom, justice, and peace in the world." And as we gather for this 62nd General Assembly, the standards of the Declaration must guide our work in this world." <https://youtu.be/uPEuVW4t4iI>

Treaties of the United States are supposed to be the supreme Law of the Land, binding the Judges in every State. How are Treaties of the United States enforced without legal counsel?

How can the ABA abandon the ICCPR, the UNCAC, the Torture Convention, and the UDHR?

Thank you in advance for the courtesy of a response.

Sincerely,



Neil J. Gillespie  
8092 SW 115th Loop  
Ocala, Florida 34481

Tel. 352-854-7807  
Email: [neilgillespie@mfi.net](mailto:neilgillespie@mfi.net)

Legal Authority to make Treaties of the United States - the supreme Law of the Land, is found in the U.S. Const. Art. II, section 2, clause 2, and the U.S. Const. Art. VI, clause 2  
[http://www.senate.gov/civics/constitution\\_item/constitution.htm](http://www.senate.gov/civics/constitution_item/constitution.htm)

U.S. Const. Art. II, section 2, clause 2

[The President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur;

U.S. Const. Art. VI, clause 2

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.



For Immediate Release  
Office of the Press Secretary  
September 25, 2007

## President Bush Addresses The United Nations General Assembly

The United Nations Headquarters

New York, New York

- [Fact Sheet: Burma: Calling for Human Dignity and Democracy](#)
- [Fact Sheet: A Mission of Liberation Around the World](#)

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9:57 A.M. EDT

PRESIDENT BUSH: Mr. Secretary General, Mr. President, distinguished delegates, ladies and gentlemen: Thank you for the opportunity to address the General Assembly of the United Nations.

Sixty years ago, representatives from 16 nations gathered to begin deliberations on a new international bill of rights. The document they produced is called the Universal Declaration of Human Rights -- and it stands as a landmark achievement in the history of human liberty. It opens by recognizing "the inherent dignity" and the "equal and inalienable rights of all members of the human family" as "the foundation of freedom, justice, and peace in the world." And as we gather for this 62nd General Assembly, the standards of the Declaration must guide our work in this world.

Achieving the promise of the Declaration requires confronting long-term threats; it also requires answering the immediate needs of today. The nations in this chamber have our differences, yet there are some areas where we can all agree. When innocent people are trapped in a life of murder and fear, the Declaration is not being upheld. When millions of children starve to death or perish from a mosquito bite, we're not doing our duty in the world. When whole societies are cut off from the prosperity of the global economy, we're all worse off. Changing these underlying conditions is what the Declaration calls the work of "larger freedom" -- and it must be the work of every nation in this assembly.



This great institution must work for great purposes -- to free people from tyranny and violence, hunger and disease, illiteracy and ignorance, and poverty and despair. Every member of the United Nations must join in this mission of liberation.

First, the mission of the United Nations requires liberating people from tyranny and violence. The first article of the Universal Declaration begins, "All human beings are born free and equal in dignity and rights." The truth is denied by terrorists and extremists who kill the innocent with the aim of imposing their hateful vision on humanity. The followers of this violent ideology are a threat to civilized people everywhere. All civilized nations must work together to stop them -- by sharing intelligence about their networks, and choking their -- off their finances, and bringing to justice their operatives.

In the long run, the best way to defeat extremists is to defeat their dark ideology with a more hopeful vision -- the vision of liberty that founded this body. The United States salutes the nations that have recently taken strides toward liberty -- including Ukraine and Georgia and Kyrgyzstan and Mauritania and Liberia, Sierra Leone and Morocco. The Palestinian Territories have moderate leaders, mainstream leaders that are working to build free institutions that fight terror, and enforce the law, and respond to the needs of their people. The international community must support these leaders, so that we can advance the vision of two democratic states, Israel and Palestine, living side-by-side in peace and security.

Brave citizens in Lebanon and Afghanistan and Iraq have made the choice for democracy -- yet the extremists have responded by targeting them for murder. This is not a show of strength -- it is evidence of fear. And the extremists are doing everything in their power to bring down these young democracies. The people of Lebanon and Afghanistan and Iraq have asked



for our help. And every civilized nation has a responsibility to stand with them.



Every civilized nation also has a responsibility to stand up for the people suffering under dictatorship. In Belarus, North Korea, Syria, and Iran, brutal regimes deny their people the fundamental rights enshrined in the Universal Declaration. Americans are outraged by the situation in Burma, where a military junta has imposed a 19-year reign of fear. Basic freedoms of speech, assembly, and worship are severely restricted. Ethnic minorities are persecuted. Forced child labor, human trafficking, and rape are common. The regime is holding more than 1,000 political prisoners -- including Aung San Suu Kyi, whose party was elected overwhelmingly by the Burmese people in 1990.

The ruling junta remains unyielding, yet the people's desire for freedom is unmistakable. This morning, I'm announcing a series of steps to help bring peaceful change to Burma. The United States will tighten economic sanctions on the leaders of the regime and their financial backers. We will impose an expanded visa ban on those responsible for the most egregious violations of human rights, as well as their family members. We'll continue to support the efforts of humanitarian groups working to alleviate suffering in Burma. And I urge the United Nations and all nations to use their diplomatic and economic leverage to help the Burmese people reclaim their freedom.

In Cuba, the long rule of a cruel dictator is nearing its end. The Cuban people are ready for their freedom. And as that nation enters a period of transition, the United Nations must insist on free speech, free assembly, and ultimately, free and competitive elections.

In Zimbabwe, ordinary citizens suffer under a tyrannical regime. The government has cracked down on peaceful calls for reform, and forced millions to flee their homeland. The behavior of the Mugabe regime is an assault on its people -- and an affront to the principles of the Universal Declaration. The United Nations must insist on change in Harare -- and must insist for the freedom of the people of Zimbabwe.

In Sudan, innocent civilians are suffering repression -- and in the Darfur region, many are losing their lives to genocide. America has responded with tough sanctions against those responsible for the violence. We've provided more than \$2 billion in humanitarian and peacekeeping aid. I look forward to attending a Security Council meeting that will focus on Darfur, chaired by the French President. I appreciate France's leadership in helping to stabilize Sudan's neighbors. And the United Nations must answer this challenge to conscience, and live up to its promise to promptly deploy peacekeeping forces to Darfur.

Second, the mission of the United Nations requires liberating people from hunger and disease. Article 25 of the Universal Declaration states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food and clothing and housing and medical care." Around the world, the United Nations is carrying out noble efforts to live up to these words.

Feeding the hungry has long been a special calling for my nation. Today, more than half the world's food assistance comes from America. We send emergency food stocks to starving people from camps in Sudan to slums in -- around the world. I've proposed an innovative initiative to alleviate hunger under which America would purchase the crops of local farmers in Africa and elsewhere, rather than shipping in food from the developed world. This would help build up local agriculture and break the cycle of famine in the developing world -- and I urge our United States Congress to support this initiative.

Many in this hall are bringing the spirit of generosity to fighting HIV/AIDS and malaria. Five years ago, in Sub-Saharan Africa, an AIDS diagnosis was widely considered a death sentence, and fewer than 50,000 people infected with the virus were receiving treatment. The world responded by creating the Global Fund, which is working with governments and the private sector to fight the disease around the world. The United States decided to take these steps a little further by launching the \$15 billion Emergency Plan for AIDS Relief. Since 2003, this effort has helped bring cutting-edge medicines to more than a million people in sub-Sahara Africa. It's a good start. So earlier this year, I proposed to double our initial commitment to \$30 billion. By coming together, the world can turn the tide against HIV/AIDS -- once and for all.

Malaria is another common killer. In some countries, malaria takes as many lives as HIV/AIDS -- the vast majority of them children under the age of five years old. Every one of these deaths is unnecessary, because the disease is preventable and treatable. The world knows what it takes to stop malaria -- bed nets and indoor spraying and medicine to treat the disease. Two years ago, America launched a \$1.2 billion malaria initiative. Other nations and the private sector are making vital contributions, as well. I call on every member state to maintain its focus, find new ways to join this cause, and bring us closer to the day when malaria deaths are no more.

Third, the mission of the United Nations requires liberating people from the chains of illiteracy and ignorance. Article 26 of the Universal Declaration states: "Everyone has the right to education." And when nations make the investments needed to educate their people, the whole world benefits. Better education unleashes the talent and potential of its citizens, and adds to the prosperity of all of us. Better education promotes better health and greater independence. Better education increases the strength of democracy, and weakens the appeal of violent ideologies. So the United States is joining with nations around the world to help them provide a better education for their people.

A good education starts with good teachers. In partnership with other nations, America has helped train more than 600,000 teachers and administrators. A good education requires good textbooks. So in partnership with other nations, America has distributed tens of millions of textbooks. A good education requires access to good schools. So in partnership with other nations, America is helping nations raise standards in their schools at home, and providing scholarships to help students come to schools in the United States. In all our education efforts, our nation is working to expand access for women and girls, so that the opportunity to get a decent education is open to all.

Finally, the mission of the United Nations requires liberating people from poverty and despair. Article 23 of the Universal Declaration states: "Everyone has the right to work, to free choice of employment, [and] to just and favorable conditions of work." In the 21st century, this requires ensuring that people in poor countries have the same opportunity to benefit from the global economy that citizens of wealthy countries have.

The United Nations provides vital economic assistance designed to help developing nations grow their economies and reach their potential. The United States agrees with that position; we've dramatically increased our own development assistance -- and we're delivering that aid in innovative ways. We started the Millennium Challenge Account to reward nations that govern justly, fight corruption, invest in their people, and promote economic freedom. With this aid, we're reaching out to developing nations in partnership, not paternalism. And we're ensuring that our aid dollars reach those who need them -- and achieve results.

In the long run, the best way to lift people out of poverty is through trade and investment. A nation that is open and trading with the world will create economic rewards that far exceed anything they could get through foreign aid. During the 1990s, developing nations that significantly lowered tariffs saw their per capita income grow about three times faster than other developing countries. Open markets ignite growth, encourage investment, increase transparency, strengthen the rule of law, and help countries help themselves.

The international community now has an historic chance to open markets around the world by concluding a successful Doha Round of trade talks. A successful Doha outcome would mean real and substantial openings in agriculture, goods, and services -- and real and substantial reductions in trade-distorting subsidies. The world's largest trading nations, including major developing countries, have a special responsibility to make the tough political decisions to reduce trade barriers. America has the will and flexibility to make those necessary decisions. Our negotiators are demonstrating that spirit in Geneva. I urge other leaders to direct their negotiators to do the same. And I'm optimistic that we can reach a good Doha agreement -- and seize this once-in-a-generation opportunity.

In the meantime, America will continue to pursue agreements that open trade and investment wherever we can. We recently signed free trade agreements with Peru, Colombia, Panama, and South Korea. These agreements embody the values of open markets -- transparent and fair regulation, respect for private property, and resolving disputes under international law rules. These are good agreements, and they're now ready for a congressional vote, and I urge the Congress to approve them as soon as possible.

As America works with the United Nations to alleviate immediate needs, we're also coming together to address longer-term challenges. Together, we're preparing for pandemics that could cause death and suffering on a global scale. Together, we're working to stop the proliferation of weapons of mass destruction. Together, we're confronting the challenges of energy security, and environmental quality, and climate change. I appreciate the discussions on climate change led by the Secretary General last night. I look forward to further discussions at the meeting of major economies in Washington later this week.

The goals I've outlined today cannot be achieved overnight -- and they cannot be achieved without reform in this vital institution. The United States is committed to a strong and vibrant United Nations. Yet the American people are disappointed by the failures of the Human Rights Council. This body has been silent on repression by regimes from Havana to Caracas to Pyongyang and Tehran -- while focusing its criticism excessively on Israel. To be credible on human rights in the world, the United Nations must reform its own Human Rights Council.

Some have also called for reform to the structure of the Security Council, including an expansion of its membership. The United States is open to this prospect. We believe that Japan is well-qualified for permanent membership on the Security

Council, and that other nations should be considered, as well. The United States will listen to all good ideas, and we will support changes to the Security Council as part of broader U.N. reform. And in all we do, I call on member states to work for an institution that adheres to strict ethical standards, and lives up to the high principles of the Universal Declaration.

With the commitment and courage of this chamber, we can build a world where people are free to speak, assemble, and worship as they wish; a world where children in every nation grow up healthy, get a decent education, and look to the future with hope; a world where opportunity crosses every border. America will lead toward this vision where all are created equal, and free to pursue their dreams. This is the founding conviction of my country. It is the promise that established this body. And with our determination, it can be the future of our world.

Thank you, and God bless. (Applause.)

END 10:18 A.M. EDT

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**Return to this article at:**

</news/releases/2007/09/20070925-4.html>



CLICK HERE TO PRINT

## “Legal aid, a right in itself” – UN Special Rapporteur

GENEVA (30 May 2013) – The United Nations Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, today urged world governments to develop and sustain effective legal aid systems as an essential component of a fair and efficient justice system founded on the rule of law.

“Legal aid is both a right in itself and an essential precondition for the exercise and enjoyment of a number of human rights, including the rights to a fair trial and to an effective remedy,” said Ms. Knaul, presenting her latest report to the UN Human Rights Council. “It represents an important safeguard that contributes to ensuring the fairness and public trust in the administration of justice.”

“Legal aid should be as broad as possible,” she said, stressing that its aim “is to contribute to the elimination of obstacles and barriers that impair or restrict access to justice by providing assistance to people otherwise unable to afford legal representation and access to the court system.”

The human rights expert underlined that legal aid should not only include the right to free legal assistance in criminal proceedings, but also the provision of effective legal assistance in any judicial or extrajudicial procedure aimed at determining rights and obligations.

“States bear the primary responsibility to adopt all appropriate measures to fully realize the right to legal aid for any individual within its territory and subject to its jurisdiction,” the Special Rapporteur said. “Beneficiaries of legal aid should include any person who comes into contact with the law and does not have the means to pay for counsel.”

“The right to legal aid must be legally guaranteed in national legal systems at the highest possible level, possibly in the Constitution,” Ms. Knaul highlighted among the specific recommendations provided in her new report.

The independent expert also observed that it is up to the individual State to identify the model that can maximize access to free legal aid for all individuals within its territory and subject to its jurisdiction.

“Regardless of the structure of the legal aid programme or its formal status, it is of paramount importance that legal aid schemes be autonomous, independent, effective, sustainable and easily available in order to ensure that they serve the interests of those who need financial support to have access to justice on an equal basis with others,” she concluded.

Gabriela Knaul took up her functions as UN Special Rapporteur on the independence of judges and lawyers on 1 August 2009. In that capacity, she acts independently from any Government or organization. Ms. Knaul has a long-standing experience as a judge in Brazil and is an expert in criminal justice and the administration of judicial systems.

Learn more, log on to: <http://www.ohchr.org/EN/Issues/Judiciary/Pages/IDPIndex.aspx>

(\*) Check the report: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/119/35/PDF/G1311935.pdf?OpenElement> or [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/43](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/43)

The Special Rapporteur also presented country reports on:

El Salvador: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A\\_HRC\\_23\\_43\\_Add.1\\_ENG.PDF](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A_HRC_23_43_Add.1_ENG.PDF)

Pakistan: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/43/Add.2](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/43/Add.2)

The Maldives: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-43-Add3\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-43-Add3_en.pdf)

Check the UN Basic Principles on the Independence of the Judiciary: <http://www2.ohchr.org/english/law/indjudiciary.htm>

For additional information and media requests, please contact Amanda Flores (+41 22 917 9186 / [aflores@ohchr.org](mailto:aflores@ohchr.org)) or write to [srindependence@ohchr.org](mailto:srindependence@ohchr.org).

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YouTube: <http://www.youtube.com/UNOHCHR>

Storify: <http://storify.com/UNRightswire>

The world we want: <http://www.ohchr.org/EN/Issues/MDG/Pages/MDGPost2015Agenda.aspx>



[Home](#) > [ABA Groups](#) > [Standing Committee on Legal Aid and Indigent Defendants](#) > [Initiatives](#) > [Civil Right to Counsel](#)

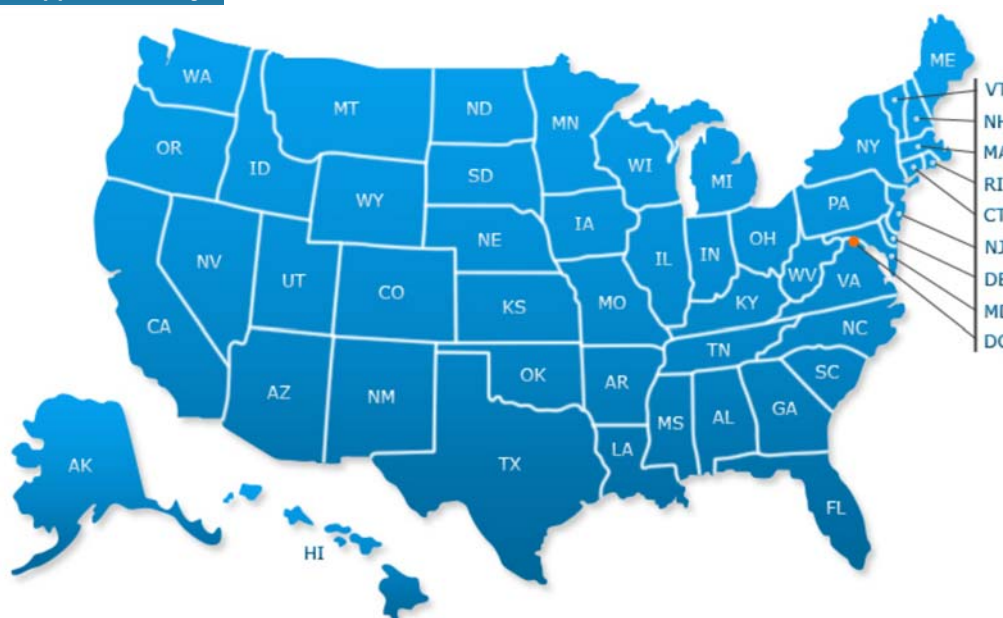
## Civil Right to Counsel

### NEW! Law Governing Appointment of Counsel in State Civil Proceedings

The map below provides access, by clicking each state, to a research report detailing existing authority for appointment of counsel in various types of civil proceedings. Additional prefatory material and appendices are available through links below.

- [Prefatory Information](#)
- [Foreword](#)
- [Acknowledgments](#)
- [Appendix: International Law Relating to Appointment of Counsel in Civil Proceedings](#)

### Civil Appt. Authority



### Additional Resources

#### [ABA Toolkit for a Right to Counsel in Civil Proceedings »](#)

The Toolkit includes in one package the "ABA Basic Principles for a Right to Counsel in Civil Proceedings" and "The ABA Model Access Act," which provide two important tools for jurisdictions seeking to implement a civil right to counsel.

#### [ABA House of Delegates Policy Resolution Urging Recognition of a Civil Right to Counsel »](#)

**For additional information regarding civil right to counsel issues, please visit:**

[National Coalition for a Civil Right to Counsel](#)

Select Year:

## The 2015 Florida Statutes

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[Title V](#)  
JUDICIAL BRANCH

[Chapter 29](#)  
COURT SYSTEM FUNDING

[View Entire Chapter](#)

**29.007 Court-appointed counsel.**—For purposes of implementing s. 14, Art. V of the State Constitution, the elements of court-appointed counsel to be provided from state revenues appropriated by general law are as follows:

- (1) Private attorneys appointed by the court to handle cases where the defendant is indigent and cannot be represented by the public defender or the office of criminal conflict and civil regional counsel.
- (2) When the office of criminal conflict and civil regional counsel has a conflict of interest, private attorneys appointed by the court to represent indigents or other classes of litigants in civil proceedings requiring court-appointed counsel in accordance with state and federal constitutional guarantees and federal and state statutes.
- (3) Reasonable court reporting and transcription services necessary to meet constitutional or statutory requirements, including the cost of transcribing and copying depositions of witnesses and the cost of foreign language and sign-language interpreters and translators.
- (4) Witnesses, including expert witnesses, summoned to appear for an investigation, preliminary hearing, or trial in a case when the witnesses are summoned on behalf of an indigent, and any other expert witnesses approved by the court.
- (5) Mental health professionals appointed pursuant to s. [394.473](#) and required in a court hearing involving an indigent, mental health professionals appointed pursuant to s. [916.115\(2\)](#) and required in a court hearing involving an indigent, and any other mental health professionals required by law for the full adjudication of any civil case involving an indigent person.
- (6) Reasonable pretrial consultation fees and costs.
- (7) Travel expenses reimbursable under s. [112.061](#) reasonably necessary in the performance of constitutional and statutory responsibilities.

Subsections (3), (4), (5), (6), and (7) apply when court-appointed counsel is appointed; when the court determines that the litigant is indigent for costs; or when the litigant is acting pro se and the court determines that the litigant is indigent for costs at the trial or appellate level. This section applies in any situation in which the court appoints counsel to protect a litigant's due process rights. The Justice Administrative Commission shall approve uniform contract forms for use in processing payments for due process services under this section. In each case in which a private attorney represents a person determined by the court to be indigent for costs, the attorney shall execute the commission's contract for private attorneys representing persons determined to be indigent for costs.

**History.**—s. 7, ch. 2000-237; s. 43, ch. 2003-402; s. 16, ch. 2005-236; s. 18, ch. 2007-62.

**Barrier to Justice: Death of pro se litigant in court**

<http://www.tampabay.com/news/courts/valrico-man-dies-after-collapsing-in-court/2219866>

**Barrier to Justice: Florida court's disregard for human life**

<http://www.flcourts.org/administration-funding/court-administration/>

**Florida Office of the State Courts Administrator (OSCA)**

State Courts Administrator, Patricia (PK) Jameson, Fla. Bar ID No. 844055

<http://www.flcourts.org/administration-funding/court-administration/state-court-administrator.shtml>



Patricia Jameson



Frank Collelo (actor portrayal)



Debbie Howells, ADA

**Tampa Bay Times**

**Valrico man dies after collapsing in court**

**By Rachel Crosby, Times Staff Writer**

**Tuesday, March 3, 2015**

TAMPA — A 67-year-old Valrico man died Tuesday morning after collapsing in a Hillsborough courtroom during a hearing on the pending foreclosure of his home.

Frank Collelo was with his wife, Antoinette Collelo, 57, when he fell to the floor in the Hillsborough County Circuit courtroom of Judge Wayne S. Timmerman around 9 a.m., according to Cristal Bermudez, a public information officer with the Hillsborough sheriff's office. Bermudez said deputies administered CPR to Collelo in court until emergency services arrived and transported Collelo to Tampa General Hospital. He was pronounced dead there around 9:45 a.m.



**Medical calls in court are common**, said Maj. Jim Livingston, with the sheriff's court operations division. But in the nearly six years Livingston has worked at the court, he doesn't remember a death. **"Obviously, there's a lot of stress here,"** he said. **"It's not uncommon to have EMS here a couple of times a week, sometimes a couple of times a day."**

Major James Livingston, HCSO, Commander of the Court Operations Division

<http://www.hcso.tampa.fl.us/getdoc/b17390a1-5124-4e70-993c-34b11b560c21/James-Livingston.aspx>

Collelo's house went into foreclosure last year. The property was in his possession following a divorce in 2010. The county medical examiner had not yet determined a cause of death.

<http://www.tampabay.com/news/courts/valrico-man-dies-after-collapsing-in-court/2219866>

VIA UPS No. 1Z64589FP294307102  
VIA Email jamesonp@flcourts.org

March 26, 2015

PK Jameson, State Courts Administrator  
Office of State Courts Administrator  
Supreme Court Building  
500 South Duval Street  
Tallahassee, FL 32399

On March 19, 2015 Grace A. Fagan made a harassing telephone call to me at home, under the guise of a records response. A .wav file of the call is attached to the email version of the letter.

This is a Florida State Courts System's ADA grievance procedure against Ms. Fagan for failure to provide a response to my ADA Title II request of December 10, 2014, and her failure to respond to a related records request. You failed to respond to my email March 5, 2015 about the defective State Courts System's ADA grievance form. I take that to mean no form is needed.

Enclosed/attached is my latest records request to Ms. Fagan in paper format, with UPS Proof of Delivery to her, and to Court Administrator Jonathan Lin in Marion County.

You failed to respond to the death of Frank Collelo raised in my March 5th email, the Valrico man who died during a Hillsborough County foreclosure proceeding March 3, 2015. I take that to mean you and the OSCA have a disregard human life in Florida's Courts.

You also failed to respond to the incident where 28-year-old Dasyl Rios, a mentally ill woman in leg shackles, was dragged by a sheriff's deputy through the Broward courthouse. I take that to mean you and the OSCA have a disregard for human dignity in Florida's Courts, and a racist disregard for the civil rights of a black woman, who was treated like a farm animal in Florida's Courts, according to Attorney Bill Gelin who filmed the spectacle, as reported in the media.

A Proclamation for the ADA by former Florida Supreme Court Chief Justice Canady shows the ADA supports Art. I, § 21, of the Fla. Const. which holds "justice shall be administered without sale, denial or delay". PK, "justice" is more than a wide ADA toilet stall. See the ADA appendix.

There is a Civil Right to Counsel in Florida according to the ABA, Fla. Stat. § 29.007 court-appointed counsel: "This section applies in any situation in which the court appoints counsel to protect a litigant's due process rights." The U.S. Eleventh Circuit provides Non-Criminal Justice Act Counsel Appointments (Addendum 5). The U.N. Special Rapporteur declared legal aid is a right in itself. Art. VI § 2 U.S. Const. See the civil counsel appendix. Provide your response.

Sincerely,



Neil J. Gillespie  
8092 SW 115th Loop  
Ocala, Florida 34481

Telephone: 352-854-7807  
Email: neilgillespie@mfi.net

Enclosures



## Valrico man dies after collapsing in court

By Rachel Crosby, Times Staff Writer

Tuesday, March 3, 2015 4:24pm

TAMPA — A 67-year-old Valrico man died Tuesday morning after collapsing in a Hillsborough courtroom during a hearing on the pending foreclosure of his home.

Frank Collelo was with his wife, Antoinette Collelo, 57, when he fell to the floor in the Hillsborough County Circuit courtroom of Judge Wayne S. Timmerman around 9 a.m., according to Cristal Bermudez, a public information officer with the Hillsborough sheriff's office.

Bermudez said deputies administered CPR to Collelo in court until emergency services arrived and transported Collelo to Tampa General Hospital. He was pronounced dead there around 9:45 a.m.

Medical calls in court are common, said Maj. Jim Livingston, with the sheriff's court operations division. But in the nearly six years Livingston has worked at the court, he doesn't remember a death.

"Obviously, there's a lot of stress here," he said. "It's not uncommon to have EMS here a couple of times a week, sometimes a couple of times a day."

Collelo's house went into foreclosure last year. The property was in his possession following a divorce in 2010.

The county medical examiner had not yet determined a cause of death.

Contact Rachel Crosby at [rcrosby@tampabay.com](mailto:rcrosby@tampabay.com) or 813-226-3400. Follow @rachelacrosby.

**Valrico man dies after collapsing in court 03/03/15**  
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(<http://4closurefraud.org/2015/03/03/florida-man-dies-after-collapsing-in-foreclosure-court/>)

**4closurefraud.org (/site/4closurefraud.org)**

10 days

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#fanniemae (/tag/fanniemae)

**Florida Man Dies After Collapsing in Foreclosure Court**

u 4closurefraud.org (htt...

*Valrico man dies after collapsing in court TAMPA --- A 67-year-old Valrico man died Tuesday morning after collapsing in a Hillsborough courtroom during a hearing on the pending foreclosure of his home. Frank Collelo was with his wife, Antoinette Collelo,*



Comment ...





# SEE IT! Florida sheriff's deputy drags sobbing mentally ill woman by leg shackles through courthouse

BY DOYLE MURPHY [Follow](#) / NEW YORK DAILY NEWS / Tuesday, February 24, 2015, 5:31 PM

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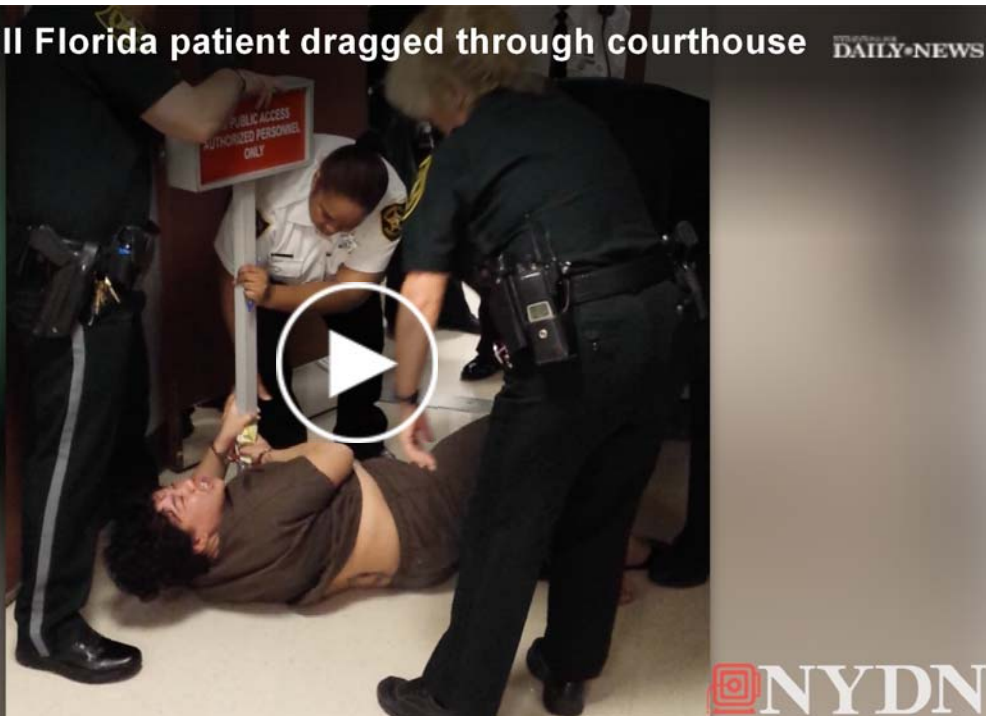
## Raw: Mentally ill Florida patient dragged through courthouse hallway



Police officer acquitted in 95-year-old's beanbag gun death



NYPD cop indicted in fatal shooting of Akai Gurley



EXCLUSIVE: Prison chaplain assaulted by

A Florida sheriff's deputy is under investigation after he was caught on video dragging a mentally ill woman by her ankle shackles down a courthouse hallway, authorities said.

The woman sobbed and called miserably for her mother as Broward County Deputy Christopher Johnson slid her toward a jail doorway.

[cops awarded \\$4M](#)

“Stop! You’re hurting me!” 28-year-old Dasyi Rios cried. “You’re f--king hurting me!”

Rios was in Broward County Court on Monday for a status hearing after two doctors found her mentally incompetent.

Her mother, who was in the courtroom, said Rios suffers from bipolar disorder and was a star student before mental illness set in during her senior year in high school.

The worried mother said her daughter has been involuntarily institutionalized numerous times in recent years and became distraught as she left the courtroom ahead of her.

“I’m trying to gather my stuff to see if I can walk with her when I heard the biggest thump,” Sylvia Rios told the Daily News. “The noise was unbelievable. I realized they were doing something to my child.”



She raced to the hallway in time to see the deputy dragging her handcuffed daughter by her leg restraints.

“I don’t think I’m ever going to get over this,” said Sylvia Rios, an assistant principal at Plantation High School.

Defense lawyer Bill Gelin was in the courthouse for another case and filmed the troubling scene with his cellphone. He provided the video to the Daily News.

“They dragged her off like she was a farm animal,” said Gelin, [who runs the JAABLOG](#). “I don’t even think you can treat a farm animal like that anymore.”

His wife, Lynn DeSanti of the Broward County Public Defender’s office, also witnessed the incident. She claims Rios was just crying on a





hallway bench when Johnson began ordering her to walk.

“If you not going to get up I’m going to drag you,” Johnson said, according to DeSanti.

BILL GELIN/JAABLOG

**Broward County, Fla., Sheriff’s Deputy Christopher Johnson is under investigation after being caught on video dragging Dasyl Rios, a mentally ill defendant, through a courthouse hallway.**



COURTESY RIOS FAMILY

**Dasyl Rios, a mentally ill defendant in Florida, was dragged by her ankle shackles down a courthouse hallway in a shocking scene captured on video.**

The exchange lasted just seconds before the deputy yanked Rios off the bench and began hauling her feet first through the crowded hallway, DeSanti told The News.

“I was speechless,” DeSanti said. “I was shocked. I’ve never seen anything like this in my 12 years of being a lawyer.”

Other deputies can be seen in the video as Rios and Johnson reach a doorway to the jail. None make a move to lift the woman or stop Johnson.

“I gave you a chance,” Johnson said.

“You didn’t give nobody a chance,” Rios screamed. “All I wanted to do was sob for a few minutes — cry. That’s all I wanted to do was cry for a few minutes, because my life is in your hands.”

The video ends with Rios skidding through the entranceway on her back as the doors close.



COURTESY RIOS FAMILY

**Dasyl Rios, 28, was a star student before she began suffering from bipolar disorder, her mother says.**

Johnson wrote in his report Rios had grown disruptive and he feared “she would cause a commotion,” so he hauled her out of court.

He’s been placed on restricted duty and the sheriff’s office has begun an internal investigation, authorities said.

“I am concerned by the way the deputy handled this situation, because there were other courses of action he could have taken,” Broward County Sheriff Scott Israel said in a statement.

DeSanti thinks Johnson should face criminal charges.

“This man should have been arrested,” she said. “This girl did nothing to prompt his behavior. He should have to answer to what he did.”

Rios was transferred to a mental health hospital, and her mother

said they’ll review their options once she’s sure she’s all right.

“Here we are complaining about other countries, and here we are acting like barbarians,” Sylvia Rios said.

**ON A MOBILE DEVICE? [WATCH THE VIDEO HERE.](#)**

[dmmurphy@nydailynews.com](mailto:dmmurphy@nydailynews.com)

## Thirteenth Judicial Circuit Florida - Hillsborough County Florida

Quadriplegic disabled man Brian Sterner dumped from wheelchair on floor by Sheriff's Deputy

YouTube video - CNN - <http://youtu.be/huRYZAJ8wzA>



Hillsborough Sheriff Deputy Charlette Marshall-Jones dumped quadriplegic Brian Sterner out of a wheelchair and onto a jail floor at the Hillsborough County Orient Road Jail, Tampa Florida.

Treatment of disabled man attracts national spotlight, St. Petersburg Times.

[http://www.sptimes.com/2008/02/13/Hillsborough/Treatment\\_of\\_disabled.shtml](http://www.sptimes.com/2008/02/13/Hillsborough/Treatment_of_disabled.shtml)

Disabled people in wheelchairs are vulnerable. See Harrowing flight for U.N. Rapporteur on Disability - Shuaib Chalklen, United Nations Special Rapporteur on Disability.

<http://www.thehindu.com/news/national/harrowing-flight-for-un-rapporteur-on-disability/article3433534.ece>



Brian Sterner, a paraplegic, has no feeling from his mid-chest down.



Sheriff's Office spokesman



Reporter Mike Deeson - thanks Mike!



Sheriff's deputy thinks its funny.



# Treatment of disabled man attracts national spotlight

## Sheriff's Office apology doesn't quell outrage.

By Casey Cora and Rodney Thrash, Times Staff Writers

Published February 13, 2008

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TAMPA - Hardly anyone noticed last month when a Hillsborough County detention deputy unceremoniously dumped quadriplegic Brian Sterner out of a wheelchair and onto a jail floor.

Tuesday, everyone noticed.

Sterner's lawyer pushed for criminal charges and Florida's attorney general called for a civil rights review. The Sheriff's Office apologized, labeled the incident "indefensible," and sent four deputies home pending an investigation. The Today show booked Sterner; readers expressed outrage on newspaper Web sites; and a video of the jailhouse encounter landed on YouTube.

"It's a start," said Sterner, 32, whose ouster from the wheelchair was caught on surveillance cameras at the Orient Road Jail. He expressed dismay that the deputies had not lost their jobs.

"I don't think the question of them being fired should be asked," he said. "It should already be done."

The Sheriff's Office video shows Deputy Charlette Marshall-Jones dislodging Sterner from his wheelchair like cargo from a wheelbarrow, pushing up the handles as he falls forward. The other deputies in the video do not intervene. One walks away smiling.

Marshall-Jones, a 22-year veteran of the Sheriff's Office, was suspended without pay. A woman who answered the telephone at her Tampa house said the deputy had no comment. A note left at her door went unanswered.

Three others - Sgt. Gary Hinson, 51, Cpl. Steven Dickey, 45, and Cpl. Decondra Williams, 36 - were placed on administrative leave with pay. Hinson has been with the agency since 1984; Dickey, 1982; and Williams, 1994. None of the three could be reached.

- - -

Sterner, injured while wrestling 13 years ago, is paralyzed from the chest down and has limited use of his arms. He was laid off in January from a job selling wheelchair vans.

His Jan. 29 arrest was on a charge of fleeing and attempting to elude law enforcement officers, which apparently stemmed from a traffic stop three months earlier.

Sterner was driving a 2005 silver Mini Cooper fitted with hand pedals Oct. 25 when Tampa police officers on patrol in Ybor City saw him waving his arms and shaking his head from side to side as if dancing, police say.

He had been driving 5 mph in a 30 mph zone. But police lost sight of him until another officer spotted him at Florida Avenue and Columbus Drive. Their reports noted that he made "foolish" statements.

"Although I did not detect an odor of an alcoholic beverage emitting from Sterner's breath, based on his irrational behavior, I suspected the possibility he was under the influence of some type of illegal substance," wrote Tampa police Officer Peter Charbonneau.

Sterner allowed police to take a blood sample. No illegal drugs were found, police reported. But he was still arrested on a charge of fleeing law enforcement officers.

As he was booked, Sterner said he told Marshall-Jones several times that he couldn't stand up to be searched. She ultimately searched him as he lay on the floor.

"There's no reason why that deputy should not be charged with battery on a disabled person," said Sterner's attorney, John Trevena.

- - -

Twice before, in 1988 and 1990, the Sheriff's Office suspended Marshall-Jones without pay. Her personnel file documents those disciplinary problems and others.

In the first incident, she improperly conducted an inmate head count and was suspended for six days. In the later incident, she disobeyed a boss' order to complete a fire safety and sanitation inspection. The consequence: a one-day suspension.

Superiors have criticized her use of sick leave. Her record contains a few letters of reprimand for violations of Sheriff's Office procedure.

But most of the 345-page file offers no hint of the woman seen in the video. Year after year, supervisors recommended Marshall-Jones for promotions and boosted her pay. In page after page of annual reviews, they used words such as "dedicated" and "knowledgeable."

There are 22 pages of commendations, certificates and flattering letters from supervisors and Hillsborough residents. In 2003, the Sheriff's Office named Marshall-Jones one of the November "Employees of the Month."

Just nine days before the Sterner arrest, Marshall-Jones' supervisor praised her "excellent searches, handling of inmates and communication skills."

The supervisor was Sgt. Hinson, who was suspended with her Tuesday.

- - -

After he was booked, Sterner said, sheriff's officials placed him on his side in the back of a prisoner transportation van bound for the infirmary at the Falkenburg Road Jail, the site of one of two jail infirmaries in the county.

Sterner said he grimaced in pain on the nearly 4-mile drive to the facility.

On Tuesday, he showed reporters scrape marks on his knees that he said came from the fall out of the wheelchair.

"I don't know what's going on inside me, but my body hasn't been right since," he said.

Sterner and Trevena said they hope the incident forces the spotlight on the issue of jailhouse treatment of the disabled, a message Sterner plans to carry to the Today show this morning.

"I want a lot of exposure to what's been going on for probably a very long time in the jail system," he said.

Newspaper Web sites have already been flooded with reaction. On tampabay.com, more than 100 comments were posted about the day's stories on Sterner. Just hours after the video clip appeared on YouTube, more than 350 people had viewed it.

State Attorney General Bill McCollum also saw the video and was "very, very concerned," said his spokeswoman, Sandi Copes.

McCollum asked the state's Office of Civil Rights to review Sterner's treatment at the jail, an action Copes said could lead to a formal investigation of the Sheriff's Office.

"We're certainly going to try to identify exactly what happened and exactly who was at fault," Copes said.

At a Tuesday morning news conference, Sheriff's Office Chief Deputy Jose Docobo said he was troubled not only by what happened to Sterner but by the lack of response from experienced supervisors.

"The fact that none of the supervisors acted upon what they saw or had knowledge of is of grave concern to us," he said. "The fact that no reports were written further concerns us."

"This is not how we do business here at the Hillsborough County Sheriff's Office."

Docobo also offered a public apology to Sterner.

"There is no excuse," Docobo said. "This is indefensible. And to the extent that we can make it right for this gentleman, we will do so."

*Staff writers Rebecca Catalanello and Jonathan Milton contributed to this report. Casey Cora can be reached at 813 226-3386 or at [ccora@sptimes.com](mailto:ccora@sptimes.com) Rodney Thrash can be reached at (813) 269-5303 or [rthrash@sptimes.com](mailto:rthrash@sptimes.com).*

### **What is quadriplegia?**

Quadriplegia is paralysis affecting all four limbs, often due to a spinal cord injury at the neck level. The paralysis does not have to be total. Depending on the severity of the injury, some function or feeling can remain in one or more limbs.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 05-23037-CIV-JORDAN/O'SULLIVAN**

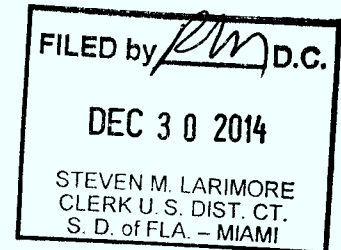
**FLORIDA PEDIATRIC SOCIETY/THE  
FLORIDA CHAPTER OF THE AMERICAN  
ACADEMY OF PEDIATRICS; FLORIDA  
ACADEMY OF PEDIATRIC DENTISTRY,  
INC., et al.,**

**Plaintiffs,**

**vs.**

**LIZ DUDEK, et. al.,**

**Defendants.**



**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This is a class and representative action in which plaintiffs seek declaratory and injunctive relief from Florida officials responsible for the state's Medicaid program. Plaintiffs contend that the Florida Medicaid program has failed to provide Florida children with access to medical and dental care in accordance with the EPSDT, Reasonable Promptness, Equal Access, or Outreach requirements under the Medicaid Act, 42 U.S.C. § 1396 *et seq.*

**I. PROCEDURAL HISTORY**

This action was initiated in 2005 by the Florida Pediatric Society, the Florida Association of Pediatric Dentists, and on behalf of a number of individual children in the Medicaid program by their parents or legal guardians. The suit was brought against the Secretary of the Florida Agency for Health Care Administration ("AHCA"), the Secretary of the Florida Department of Children and Family Services ("DCF"), and the Surgeon General and agency head of the Department of



Engineered Cold Cell 1613 in the Sheriff Cannon Detention Center, Charleston, South Carolina

[Home](#)[VICTIMS](#)[List of Published Cold Cell Victims](#)[7 Cold Cell Deaths](#)[COLD CELL USE](#)[Intensive Management Cold Cells](#)[Suicide Watch Cold Cells](#)[FBI use of Cold Cell](#)[CIA use of Cold Cell](#)[Border Agents use of Cold Cell](#)[Navy Brig's use of Cold Cell](#)[Whole Cell Block and Accidental Cold Cells](#)[NEWS](#)[Pelican Bay Prison retaliates with Cold Cell](#)[DOJ Blasts Miami/Dade for killing inmates with Cold Cell](#)[Warden Wilson sentenced to prison for cold cell victim](#)[CONTACT](#)[Contact Me](#)[CoCact.com](#)[ConditionsOfConfinement.com](#)

Engineered hypothermic cold cells are in use around the United States; many tortured, killed

*Our reputation as a nation will be reflected in our lowest common element, not the height of our success. Whatever we do to the least of us, will be how we are judged in this life and the next.*

#### Why is the cold used as torture?

The "Cold" is used as torture because it causes severe pain yet leaves no bruise or blood evidence or scars. It causes horrific pain and results in the most painful death man can endure. The problem is it kills.

#### 8/14/15 - Jeb Bush won't rule out bringing back hypothermic torture and hypothermic homicide

Questioned in Iowa on the issue of reauthorizing his brother's use of hypothermic torture and hypothermic homicide, Jeb Bush replied, "I'm not ruling anything in or out..."

See [See CNN article here](#).

#### 7/28/15 - Durham, NC Jail - It is 90 degrees outside, but frigid inside the jail

With an outside temperature of 90 degrees, Sheriff Michael Andrews has the air conditioner cranked up in his jail to hypothermic levels. Amplify Voices, the jail's watchdog group, reports a letter from an inmate, "Everything is going pretty bad in here. It's very cold temperatures in this jail, mostly in the cell. But I ask the officers can they turn up the heat, but it never get done. We have to put on all of our clothes just to stay warm."

See [Amplify Voices Inmate Letter](#).



Update 8/9/15 - another inmate letter tells of the punishment for those trying to commit suicide, they are stripped naked and locked in a hypothermic cell, the letter reads, "And the best they do for that is take your clothes, put you in an empty cell with no mat freezing cold." See this inmate letter here: [Inmate Letter](#).

---

## 7/13/15 - APA and the start of their torture doctors being held accountable

The three top executives of the American Psychological Association (APA) are forced out over the fallout from a 566 page report on their member's orchestration of enhanced torture techniques that included cold cell, ice baths, and ice showers that resulted in deaths. Their members coordinated the torture with the DoD, the CIA, George Bush, Dick Cheney, and Donald Rumsfeld. This is the first and only accounting so far and hopefully may lead to criminal charges against Bush, Cheney, and Rumsfeld.

See [Guardian article here](#) and [torture report here](#).

---

## 1/11/15 - South Carolina pays \$1.2 million to family of cold cell victim tortured to death with hypothermia

This is a landmark case for cold cell victims; it appears the flood gates have opened. See [AP Article](#) or [Greenville News article](#).

---

## 1/1/15 - Durham, NC - Fifty protestors marched and banged drums around the Durham Jail last night to protest the hypothermic conditions and lack of edible food.

Kudos to the protestors! Story developing, see the protestor's website: [amplifyvoices.com](http://amplifyvoices.com), or read the article from our local Fox affiliate: <http://myfox8.com/2015/01/01/prisoners-protest-held-in-downtown-durham/>.

---

## 12/9/14 - The Marshall Project of NYC published, "[It's Not the Heat: Prison inmates are dying of cold. Why?](#)"

Article [Here](#). or, <https://www.themarshallproject.org>.

---

## 12/9/14 - The US Senate Report on CIA Torture was released this morning.

As expected the report goes into detail about the cold cell hypothermic torture and homicide of Gul Rahman, an innocent Muslim kid, in 2002. Induced hypothermia, ice baths, and cold ice water showers rounds out the most widely used EIT. See the [CIA Page](#).

My senator, Richard "Dick" Burr, is on the record calling the report "fiction."

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## 11/11/14 - Found three more cold cell deaths, and five juveniles tortured in cold cells.

The deaths were in [Pompano Beach, Florida](#), [Buffalo, New York](#), and [California](#). The Juvenile's are in [Lancaster, Ohio](#).

---

## 10/30/14 - Paul Faust tortured in cold cell until he plead guilty to a crime he did not commit

I want to thank Paul Faust for contacting me with his story. In 2006 Paul was falsely accused of a crime and locked in a Louisville, Kentucky jail solitary confinement cold cell until he plead guilty just to stop from being murdered in the cold.

See the [Paul Faust Story](#).

---

9/4/14 - The "[Conditions of Confinement Act](#)" website is up

Here: [CoCact.com](#) or [ConditionsOfConfinement.com](#).

---

7/11/14 - Chaos at our border reveals the CBP [Customs & Border Protection] is torturing the immigrants, women and children, with cold cell torture

See the [Border Patrol Page](#).

---

4/9/14 - Found another hypothermia inmate death

See Lee Correctional Prison inmate Jerome [Laudman's hypothermic death page](#).

---

7/19/13 - California State's Pelican Bay Prison employed hypothermic punishment

See the Reuters article at the [Pelican Bay Prison Page](#).

---

## **Widespread use of Cold Cell Torture inside the US and abroad**

I coined the term "cold cell torture" after one of President George Bush's, "Enhanced Torture Technique's" which was called "Cold Cell," or "Induced Hypothermia." Cold Cell was used to torture to death two innocent Muslim men mistaken for terrorists, and tortured many others.

In 2006, while living in South Carolina, I was falsely accused of a crime I did not commit, the error was later corrected, but not before I was thrown in jail, tortured inside a cold cell for three days, shot with a gun, and left to die. The story of how I survived cannot be told without credit to a higher power, but suffice it to say I have the proper motivation to dedicate the rest of my natural life, doing what I need to do, to make sure you never become me.

## **What is a Cold Cell?**

There are two types of "Cold Cell," the first being "engineered cold cells," which are designed to be super chilled to 45 to 55 degrees F on purpose via special venting size and location to air conditioning air handlers and controls.

If the victim cannot overcome the frigid cold, their body temperature will be forcibly and painfully reduced. Once below 95 degrees F one is considered hypothermic and deaths can occur. Around 80 - 85 degrees one lapses into coma and death.

I have found engineered cold cells in metropolitan jails as booking area punishment cells, as suicide watch cells, in prisons, in border patrol detention centers, and with the FBI and CIA.

The Navy Brigs in Charleston and Quantico, Virginia, have once secret cell blocks that have individually controlled cells that can be made extremely cold or extremely hot.

The second type of cold cell is an "accidental" or "entire cell block" cold cells. Here an entire cell block is super chilled to frigid and deadly temperatures. This is done on purpose; an example is last year's Pelican Bay Prison hunger strike retaliation. Also, the infamous and deadly Miami/Dade 9th floor psychiatric wing that is super chilled to deadly temperatures and

killed inmates.

In one San Francisco Courthouse, an inmate was accidentally left in a cold cell over night, and almost died of hypothermia. Officials offered the victim \$1,000 if he signed a waiver not to sue them.

## Why is the cold used as torture?

**The "Cold" is used as torture because it causes severe pain yet leaves no bruise or blood evidence or scars. It causes horrific pain and results in the most painful death man can endure. The problem is it kills.**

When I got out of jail I began researching other victims of cold cell torture, if there were any to be found. What I discovered was unnerving in that I found dozens of captives that had been subjected to forced hypothermic torture and many had died from it.

In the nine years since my victimization, I have exhausted every possible course of action, including losing a lawsuit all the way to the US Supreme Court.<sup>1</sup> It is my conclusion, that the only way to prevent you from becoming me is to support me in passing an act of congress, called "**The Conditions of Confinement Act**," or "**CoCa**."

Please see: [CoCact.com](http://CoCact.com), or [ConditionsOfConfinement.com](http://ConditionsOfConfinement.com).

Pray for our country,  
David A. Bardes

---

### FOOTNOTES

1.

The following federal judges have denied motions outlawing and dismissed lawsuits regarding cold cell torture: Judge's L. Patrick Auld, Catherine C. Eagles, Patrick Duffy, Robert Carr, James A. Wynn, Jr., Diana Gribbon Motz, Andre M. Davis.

PACER: Bardes v. Magera (2:08-cv-00487-PMD-RSC). Fourth Circuit CA 09-2191 & 10-1944. SCOTUS: No. 10-8581, Mar 28 2011 Petition DENIED.

PACER: Bardes v. The State of South Carolina (1:11-cv-999-CCE-LPA). Fourth Circuit CA No. 13-2133 (09/13/2013)

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PAGE LAST UPDATE: 8/2/2015, 3:53pm EST, by dab  
This Page URL: <http://coldcelltorture.com/index.php>

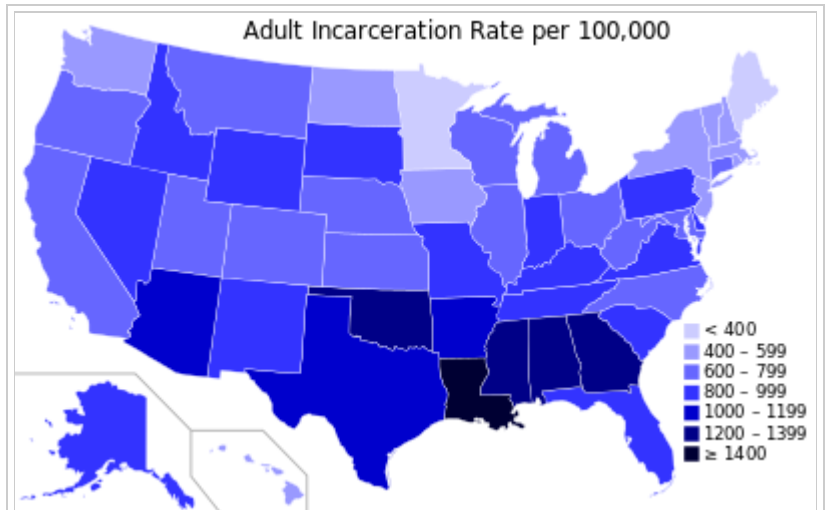
# United States incarceration rate

From Wikipedia, the free encyclopedia

In October 2013, the incarceration rate of the United States of America was the highest in the world, at 716 per 100,000 of the national population. While the United States represents about 4.4 percent of the world's population, it houses around 22 percent of the world's prisoners.<sup>[1]</sup> Corrections (which includes prisons, jails, probation, and parole) cost around \$74 billion in 2007 according to the U.S. Bureau of Justice Statistics.<sup>[2][3]</sup>

## Contents

- 1 Prison and jail population
  - 1.1 Growth
- 2 Comparison with other countries
- 3 Causes
  - 3.1 Increased sentencing laws
  - 3.2 Drug sentencing laws
  - 3.3 Prison privatization
  - 3.4 Editorial policies of major media
- 4 See also
- 5 External Links
- 6 References
- 7 Notes



A map of U.S. states by adult incarceration rate per 100,000 adult population. State prisons and local jails. Excludes federal prisoners.

## Prison and jail population

*See also: List of U.S. states by incarceration rate*

Total US incarceration (prisons and jails) peaked in 2008. Total correctional population peaked in 2007.<sup>[4]</sup> If all prisoners are counted (including juvenile, territorial, ICE, Indian country, and military), then in 2008 the USA had around 24.7% of the world's 9.8 million prisoners.<sup>[5][6][7]</sup>

The United States has the highest documented incarceration rate in the world, at 754 per 100,000 (as of 2009).<sup>[8]</sup> <sup>[9]</sup> As of December 31, 2010, the International Centre for Prison Studies (ICPS) at King's College London estimated 2,266,832 prisoners from a total population of 310.64 million as of this date (730 per 100,000 in 2010).<sup>[10]</sup>

This number comprises local jails with a nominal capacity of 866,782 inmates occupied at 86.4% (June 6, 2010), state prisons with a nominal capacity of approximately 1,140,500 occupied at approximately 115% (December

31, 2010), and federal prisons with a nominal capacity of 126,863 occupied at 136.0% (December 31, 2010). Of this number, 21.5% are pretrial detainees (December 31, 2010), 8.7% are female prisoners (December 31, 2010), 0.4% are juveniles (June 6, 2009), and 5.9% are foreign prisoners (June 30, 2007).<sup>[10]</sup>

The imprisonment rate varies widely by state; Louisiana surpasses this by about 100%, but Maine incarcerates at about a fifth this rate. A report released 28 February 2008, indicates that more than 1 in 100 adults in the United States are in prison.<sup>[11]</sup>

According to a US Department of Justice report published in 2006, over 7.2 million people were at that time in prison, on probation, or on parole (released from prison with restrictions). That means roughly 1 in every 32 Americans are held by the justice system.<sup>[12][13]</sup>

## Growth

The Bureau of Justice Statistics has released a study which finds that, despite the total number of prisoners incarcerated for drug-related offenses increasing by 57,000 between 1997 and 2004, the proportion of drug offenders to total prisoners in State prison populations stayed steady at 21%. The percentage of Federal prisoners serving time for drug offenses declined from 63% in 1997 to 55% in that same period.<sup>[14]</sup> In the twenty-five years since the passage of the Anti-Drug Abuse Act, the United States penal population rose from around 300,000 to more than two million.<sup>[15]</sup> Between 1986 and 1991, African-American women's incarceration in state prisons for drug offenses increased by 828 percent.<sup>[16]</sup>

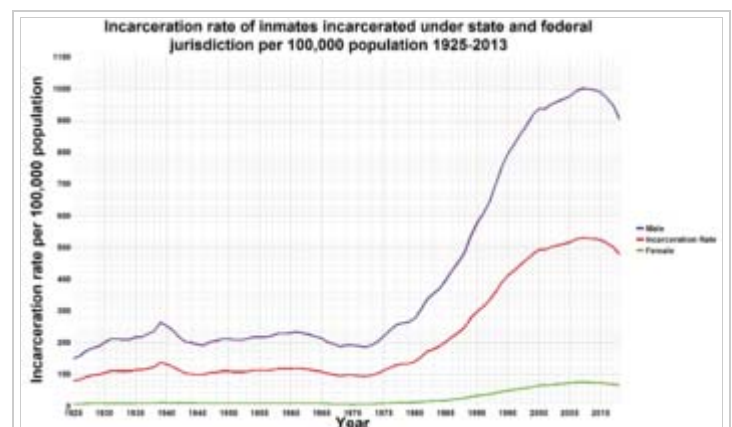
In 2009, the U.S. Department of Justice announced that U.S. State prison population growth rate had fallen to its lowest since 2006, but it still had a 0.2% growth-rate compared to the total U.S. prison population.<sup>[17]</sup> In California, the US State Prison population fell during 2009 for first time in 38 years.<sup>[18]</sup>

When looking at specific populations within the criminal justice system the growth rates are vastly different. In 1977, there were just slightly more than eleven thousand incarcerated women. By 2004, the number of women under state or federal prison had increased by 757 percent, to more than 111,000, and the percentage of women in prison has increased every year, at roughly double the rate of men, since 2000.<sup>[19]</sup> The rate of incarcerated



Year	Total correctional population <sup>a</sup>	Community supervision			Incarcerated <sup>b</sup>		
		Total <sup>c</sup>	Probation	Parole	Total <sup>d</sup>	Local jail	Prison
2000	6,467,300	4,565,100	3,839,500	725,500	1,945,400	621,100	1,394,300
2001	6,585,000	4,665,900	3,934,700	731,100	1,962,800	631,200	1,404,600
2002	6,731,300	4,748,300	3,995,200	753,100	2,033,100	665,500	1,440,300
2003	6,887,000	4,847,500	4,074,800	772,500	2,086,500	691,300	1,466,600
2004	6,987,200	4,916,500	4,140,600	775,900	2,136,600	714,000	1,497,800
2005	7,055,800	4,946,800	4,162,500	784,400	2,205,400	747,500	1,525,900
2006	7,199,800	5,035,200	4,237,000	798,200	2,256,600	765,800	1,568,700
2007	7,379,800	5,119,300	4,293,200	826,100	2,296,400	789,200	1,596,000
2008	7,314,400	5,085,200	4,279,900	826,200	2,316,300	785,500	1,606,300
2009	7,237,500	5,017,900	4,198,200	824,700	2,297,700	767,400	1,615,500
2010	7,086,500	4,987,900	4,055,500	940,700	2,276,100	748,700	1,615,800
2011	6,990,400	4,814,200	3,971,300	853,900	2,252,500	735,600	1,596,000
2012	6,940,500	4,780,300	3,942,800	851,200	2,231,400	744,500	1,579,400
2013	6,899,000	4,751,400	3,919,600	853,200	2,220,300	731,200	1,574,700

Total US incarceration peaked in 2008. Total correctional population peaked in 2007.<sup>[4]</sup>



A graph of the incarceration rate under state and federal jurisdiction per 100,000 population 1925–2008 (omits local jail inmates). The **male incarceration rate** (*top line*) is 15 times the **female rate** (*bottom line*).

women has expanded at about 4.6% annually between 1995 and 2005 with women now accounting for 7% of the population in state and federal prisons.

## Comparison with other countries

*Main articles: Comparison of United States incarceration rate with other countries and List of countries by incarceration rate*

Comparing some countries with similar percentages of immigrants, Germany has an incarceration rate of 76 per 100,000 population (as of 2014),<sup>[20]</sup> Italy is 85 per 100,000 (as of 2015),<sup>[21]</sup> and Saudi Arabia is 161 per 100,000 (as of 2013).<sup>[22]</sup> Comparing other countries with a zero tolerance policy for illegal drugs, the rate of Russia is 455 per 100,000 (as of 2015),<sup>[23]</sup> Kazakhstan is 275 per 100,000 (as of 2015),<sup>[24]</sup> Singapore is 220 per 100,000 (as of 2014),<sup>[25]</sup> and Sweden is 60 per 100,000 (as of 2014).<sup>[26]</sup>

## Causes

*Further information: Crime in the United States*

## Increased sentencing laws

*Further information: Three-strikes law*

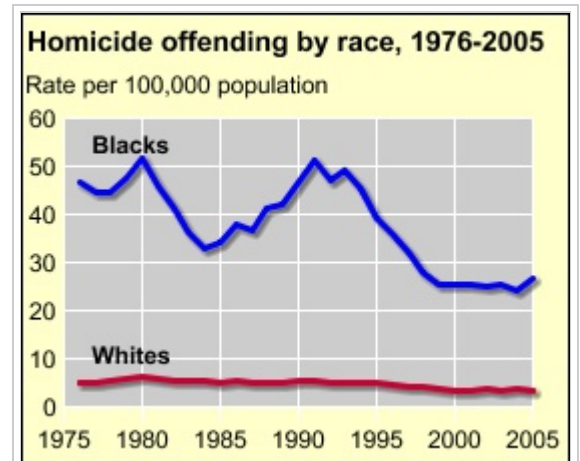
A major contributor to the high incarceration rates is the length of the prison sentences in the United States. One of the criticisms of the United States system is that it has much longer sentences than any other part of the world. The typical mandatory sentence for a first-time drug offense in federal court is five or ten years, compared to other developed countries around the world where a first time offense would warrant at most 6 months in jail.<sup>[28]</sup> Mandatory sentencing prohibits judges from using their discretion and forces them to place longer sentences on nonviolent offenses than they normally would do.

Even though there are other countries that commit more inmates to prison annually, the fact that the United States keeps their prisoners longer causes the total rate to become higher. To give an example, the average burglary sentence in the United States is 16 months, compared to 5 months in Canada and 7 months in England.<sup>[29]</sup>

Looking at reasons for imprisonment will further clarify why the incarceration rate and length of sentences are so high. The practice of imposing longer prison sentences on repeat offenders is common in many countries but the three-strikes laws in the U.S. with mandatory 25 year imprisonment — implemented in many states in the 1990s — are statutes enacted by state governments in the United States which mandate state courts to impose



The stats source is the World Prison Population List, 8th edition. Prisoners per 100,000 population.<sup>[6]</sup>



Homicide convictions by race, 1976–2005 [1]  
(<http://bjs.ojp.usdoj.gov/content/homicide/race.cfm>)



harsher sentences on habitual offenders who are previously convicted of two prior serious criminal offenses and then commit a third.

## Drug sentencing laws

The "War on Drugs" is a policy that was initiated by Richard Nixon with the Comprehensive Drug Abuse Prevention and Control Act of 1970 and vigorously pursued by Ronald Reagan.<sup>[30]</sup> By 2010, drug offenders in federal prison had increased to 500,000 per year, up from 41,000 in 1985. Drug related charges accounted for more than half the rise in state prisoners. 31 million people have been arrested on drug related charges, approximately 1 in 10 Americans.<sup>[31]</sup>

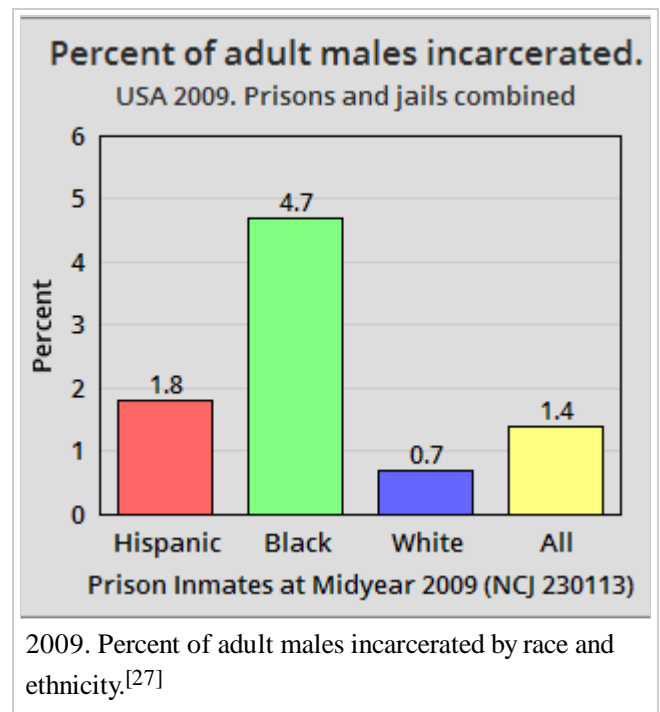
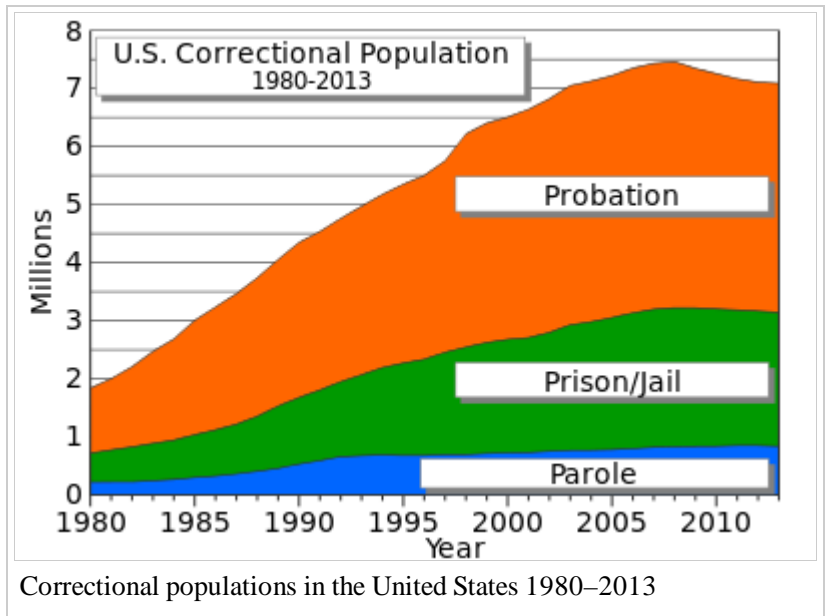
After the passage of Reagan's Anti-Drug Abuse Act in 1986, incarceration for non-violent offenses dramatically increased. The Act imposed the same five-year mandatory sentence on users of crack as on those possessing 100 times as much powder cocaine.<sup>[30][32]</sup> This had a disproportionate effect on low-level street dealers and users of crack, who were more commonly poor blacks, Latinos, the young, and women.<sup>[33]</sup>

Courts were given more discretion in sentencing by the *Kimbrough v. United States* (2007) decision, and the disparity was decreased to 18:1 by the Fair Sentencing Act of 2010.<sup>[34]</sup> As of 2006, 49.3% of state prisoners, or 656,000 individuals, were incarcerated for non-violent crimes. As of 2008, 90.7% of federal prisoners, or 165,457 individuals, were incarcerated for non-violent offenses.<sup>[5]</sup>

By 2003, 58% of all women in federal prison were convicted of drug offenses.<sup>[35]</sup> Women of color are disproportionately affected by the War on Drugs. African American women's incarceration rates for all crimes, largely driven by drug convictions, have increased by 800% since 1986, compared to an increase of 400% for women of other races.<sup>[36]</sup>

According to the American Civil Liberties Union, "Even when women have minimal or no involvement in the drug trade, they are increasingly caught in the ever-widening net cast by current drug laws, through provisions of the criminal law such as those involving conspiracy, accomplice liability, and constructive possession that expand criminal liability to reach partners, relatives and bystanders."<sup>[37]</sup>

These new policies also disproportionately affect African-American women. According to Dorothy E. Roberts, the explanation is that poor women, who are disproportionately black, are more likely to be placed under



constant supervision by the State in order to receive social services.<sup>[38]</sup> They are then more likely to be caught by officials who are instructed to look specifically for drug offenses. Roberts argues that the criminal justice system's creation of new crimes has a direct effect on the number of women, especially black women, who then become incarcerated.

## Prison privatization

In the 1980s, the rising number of people incarcerated as a result of the War on Drugs and the wave of privatization that occurred under the Reagan Administration saw the emergence of the for-profit prison industry. Prior to the 1980s, private prisons did not exist in the US.<sup>[39][40][41]</sup>

In a 2011 report by the ACLU, it is claimed that the rise of the for-profit prison industry is a "major contributor" to mass incarceration, along with bloated state budgets.<sup>[42]</sup> Louisiana, for example, has the highest rate of incarceration in the world with the majority of its prisoners being housed in privatized, for-profit facilities. Such institutions could face bankruptcy without a steady influx of prisoners.<sup>[43]</sup> A 2013 Bloomberg report states that in the past decade the number of inmates in for-profit prisons throughout the U.S. rose 44 percent.<sup>[44]</sup>

Corporations who operate prisons, such as the Corrections Corporation of America and The GEO Group, spend significant amounts of money lobbying the federal government along with state governments.<sup>[42]</sup> The two aforementioned companies, the largest in the industry, have been contributors to the American Legislative Exchange Council (ALEC), which seeks to expand the privatization of corrections and lobbies for policies that would increase incarceration, such as three-strike laws and "truth-in-sentencing" legislation.<sup>[45][46][47][48][49][50]</sup> Prison companies also sign contracts with states that guarantee at least 90 percent of prison beds be filled. If these "lockup quotas" aren't met, the state must reimburse the prison company for the unused beds. Prison companies use the profits to expand and put pressure on lawmakers to incarcerate a certain number of people.<sup>[51][52]</sup> This influence on the government by the private prison industry has been referred to as the Prison-industrial complex.<sup>[47]</sup>

The industry is well aware of what reduced crime rates could mean to their bottom line. This from the CCA's SEC report in 2010:

Our growth ... depends on a number of factors we cannot control, including crime rates ...[R]eductions in crime rates ... could lead to reductions in arrests, convictions and sentences requiring incarceration at correctional facilities.<sup>[42]</sup>

## Editorial policies of major media

Gallop polling since 1989 has found that in most years in which there was a decline in the U.S. crime rate, a majority of Americans said that violent crime was getting worse.<sup>[53][54][55]</sup>

A substantial body of research claims that incarceration rates are primarily a function of media editorial policies, largely unrelated to the actual crime rate. *Constructing Crime: Perspectives on Making News and Social Problems* is a book collecting together papers on this theme.<sup>[56]</sup> These researchers say that the jump in incarceration rate from 0.1% to 0.5% of the United States population from 1975 to 2000 (documented in the figure above based on the National Crime Victimization Survey) was driven by changes in the editorial policies of the mainstream commercial media and is unrelated to any actual changes in crime. Media consolidation reduced competition on content. This allowed media company executives to maintain substantially the same



audience while slashing budgets for investigative journalism and filling the space from the police blotter. This tended to increase and stabilize advertising revenue. It's safer, easier and cheaper to write about crimes committed by poor people than the wealthy. Poor people can be libeled with impunity, but major advertisers can materially impact the profitability of a commercial media organization by reducing their purchases of advertising space with that organization.

News media thrive on feeding frenzies (such as missing white women) because they tend to reduce production costs while simultaneously building an audience interested in the latest development in a particular story. It takes a long time for a reporter to learn enough to write intelligently about a specific issue. Once a reporter has achieved that level of knowledge, it's easier to write subsequent stories. However, major advertisers have been known to spend their advertising budgets through different channels when they don't like the editorial policies. Therefore, a media feeding frenzy focusing on an issue of concern to an advertiser may reduce revenue and profits.<sup>[57]</sup>

Sacco described how "competing news organizations responded to each other's coverage [while] the police, in their role as gatekeepers of crime news, reacted to the increased media interest by making available more stories that reflected and reinforced" a particular theme. "[T]he dynamics of competitive journalism created a media feeding frenzy that found news workers 'snatching at shocking numbers' and 'smothering reports of stable or decreasing use under more ominous headlines.'"<sup>[58]</sup>

The reasons cited above for increased incarcerations (US racial demographics, Increased sentencing laws, and Drug sentencing laws) have been described as consequences of the shift in editorial policies of the mainstream media.

## See also

- List of U.S. states by incarceration rate
- Incarceration in the United States
- Youth incarceration in the United States
- Race and the War on Drugs
- Prison–industrial complex
- Mentally ill people in United States jails and prisons

## External Links

- U. S. Crime and Imprisonment Statistics Total and by State from 1960 - Current (<http://www.disastercenter.com/crime/>)

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