

Chapter 1 : Life imprisonment raises questions about proportionality, equity and human dignity

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Messenger A New South Wales man, Robert Xie, was sentenced to life imprisonment without parole last week for the horrific murders of five members of the Lin family. Yet NSW is the only jurisdiction in Australia that does not provide parole and review mechanisms for life sentences. This raises serious questions about whether such sentences are compatible with human rights. The European Court of Human Rights has declared that a sentence of life imprisonment without the possibility of review is inhumane. Through legislative or judicial action, various European, South American and Scandinavian countries have abolished life imprisonment as unconstitutional or unfair. And it is difficult to imagine a more confronting set of facts. Xie was found guilty of killing five members of his extended family in their home in the early morning. But the shocking nature of these crimes should not obscure the problems inherent in sentences of life imprisonment. A stark aspect of the inequity and disproportion of a life sentence is the variable age of offenders when they are sentenced. Xie was 53 at sentencing and has a life expectancy of a further 20 years. Much younger prisoners are being sentenced to life imprisonment. Vincent Stanford was only 24 when he was arrested for the brutal murder of Stephanie Scott in Leeton in 1991. His life expectancy was a further 61 years when he was sentenced to life imprisonment. Roger Dean was 37, with a life expectancy of a further 25 years. In contrast, there are murder cases where lengthy maximum sentences have been imposed but it is difficult to clearly distinguish the gravity from the natural life cases. And year-old Craig Merritt, after initially being sentenced to life imprisonment for murdering his three young children, was re-sentenced on appeal in 2005 to determinate sentences totalling 34 years with a non-parole period of 27 years. These examples highlight the disparity and inequity between different life-sentence prisoners, but also with those serving the longest determinate sentences for murder. Since NSW introduced the natural life sentence in 1995, no identifiable litmus test has been formulated for deciding whether a particular murder falls within the worst category deserving of such a sentence. The relevant legislative provision requires that the court must be satisfied that the level of culpability in the commission of the offences is so extreme that the community interest in retribution, punishment, community protection and deterrence can only be met by imposing a life sentence. This provides general guidance and does little to ensure proportionate and equitable distribution of this most severe punishment. The law gives no indication of the weight to be apportioned to particular factors in determining when the threshold for a natural life sentence is reached. In NSW, 41 prisoners are serving natural life sentences for murder. The killings range across a broad spectrum of seriousness. The offenders range from extremely dangerous to unlikely to kill again. In fact, many studies have shown that homicide recidivism is very rare. One stark example is Phuong Ngo, who was convicted of being the contractor behind the first political assassination in NSW. This feature alone placed it in the worst category of case, even though Ngo had a strong subjective case and the sentencing judge remarked that a lengthy non-parole period would be fixed to the life sentence if that were possible. The inequity and disproportion inherent in natural life sentences particularly infringes: Coupled with the fact that liberty is an important human right that should not be negated indefinitely by state punishment, it is time to seriously consider the continuing imposition of life sentences in Australia. If it is to remain as the maximum sentence for murder, there must be a review mechanism in NSW to allow at least the prospect of release. The European Court of Human Rights has recognised this must be available to promote humane and equitable punishment of those convicted of even the most heinous offences.

Chapter 2 : Should Prisoners Be Used in Medical Experiments? - Scientific American

ABSTRACT OF DISSERTATION PRISONERS SERVING SENTENCES OF LIFE WITHOUT PAROLE: A QUALITATIVE STUDY AND SURVEY This mixed methods exploratory study examined how adult male prisoners.

Male prisoners were sometimes infected via direct injection—including right to the penis. Still other prisoners got sick after visits from prostitutes who were often also purposely infected. None of the research subjects were asked for their consent. Some six decades later Pres. But that case is just one of many egregious prisoner experiments that have occurred throughout history. Until the early s most pharmaceutical research was conducted on prisoners—everything from studying chemical warfare agents to testing dandruff treatments. In the years since, firm protections have been erected for prison populations in medical research, predicated on the idea that even when prisoners volunteer for inclusion in clinical trials, coercion might still be playing a role. As a result, the U. Such routine exclusion may harm both prisoners and the public good, argues Heather Draper, a biomedical ethicist at the University of Birmingham in England. She calls for a reexamination of current guidance on the matter in the U. For this work she took a deep dive into what research is conducted on prisoners in the U. Unsurprisingly, she found that when she combed a massive Web-based database listing most U. Her team hunted for studies between and that involved prisoners and found there were only such studies, or 0. The vast majority of the work either focused on mental health or infection. Most often, studies consisted of questionnaires or probation-related research; only a handful of studies involved clinical interventions. Yet, when Draper took her analysis further and surveyed members of the U. Instead, the factors were usually related to perceived logistical difficulties of including them. Consider the lack of diversity in current clinical trials in the U. Whereas African-Americans represent 12 percent of the U. Food and Drug Administration. Hispanics, meanwhile, make up 16 percent of the population but only 1 percent of clinical trial participants. And because prison populations are disproportionately from minority groups and may have a greater burden of certain maladies, should they be included in larger studies on, say, type 2 diabetes? Right now, the well-intentioned protection for this population often results in the nearly seven million inmates in the U. There are certainly logistical obstacles. Recruiting an incarcerated population may require additional approvals and transportation for researchers or prisoners, which may boost study costs. One possible protective mechanism offered by the IOM report in the U. Another was that when prisoners are included in larger phase III clinical trials, the prisoner to nonprisoner ratio should not exceed 50 percent, ensuring a fairer distribution of research burdens. She is based in Washington, D.

Chapter 3 : 'After Life Imprisonment' Examines Re-entry Of Parolees Into Society | HuffPost

title = "Amnesia for criminal offences: a study of life sentence prisoners", abstract = "Amnesia for criminal offences has long been recognized as a common phenomenon although there have been few large-scale studies examining factors associated with amnesia and even fewer which have examined follow-up information.

What does it take for a prisoner to successfully navigate the treacherous waters of re-entry? In the current political and social climate, where reform of our ravenously bloated criminal justice system is on the agenda, this research has taken on a new importance and urgency. Because it is a fact that most prisoners will eventually return to the community, better understanding of prisoner re-entry success and failure is crucial. Renowned scholar Marieke Liem, Senior Researcher and Chair of the Violence Research Initiative at Leiden University and a Marie Curie Fellow at the Harvard Kennedy School, analyzes re-entry for a particularly delegitimized population - those sentenced to life imprisonment with the possibility of parole - in her new book, "After Life Imprisonment: Re-entry in the Era of Mass Incarceration. The majority of those individuals were given an indeterminate sentence, which means that they will one day be paroled back to society. Their crimes are all very serious, most involving homicide, and the amount of time they spend in prison is great. Professor Liem asks this question: What can we learn about re-entry by studying the success and failure of paroled lifers? Review of the experiences of the interviewed lifers reveals significant challenges that impede successful re-entry. Professor Liem highlights the impact that disenfranchisement, lack of employment opportunities, culture shock, lack of stable housing, and the general dearth of available re-entry services has on returning prisoners. All of these issues, combined with often damaged and fragile personal, familial and social relationships, make a successful re-entry difficult. With respect to returning lifers, there is another great difficulty that, perhaps ironically, very often foils the efforts of the returning prisoner: Professor Liem reports that paroled lifers often cannot find work that their parole officers will approve, and that in practice, parole is a system of control and discipline similar to institutionalization, and not one of rehabilitation and assistance. The stories of individual lifers related in the text reveal a healthy distrust of parole officers, whose decisions are god-like, life-altering and often arbitrary. Traditional studies of prisoner re-entry have focused on the concept of desistance, which translates loosely into staying crime-free. Professor Liem argues, however that given the difficulty faced by lifers who are released, but subject to parole, the focus should not be on how a lifer "goes straight," but how they manage the parole system, and how the parole system manages them. What the research indicated was that most lifers successfully desisted, but had difficulty adjusting to life on the outside, especially parole conditions and violated. Her main suggestion, however, is that a concerted effort must be undertaken to improve the self-efficacy of returning prisoners. The research indicates that successful re-entry turns almost entirely on prisoners retaining a sense of control over their lives. As such, Professor Liem argues that improving self-efficacy through programs, job opportunities, mental health care, and support groups must be a significant focus of reform efforts. The research is thorough, the interviews are informative, and the conclusions are spot on.

Chapter 4 : Life Sentences Blog – Law Professor Michael O'Hear Writes on Crime, Courts, and Punishment

By Christopher Zoukis. Prison education is a controversial subject due to strong emotions on both sides of the issue. But it's also an issue that has been the subject of a significant amount of published research – all of which supports the education of prisoners.