Misgovernance and Human Rights: Experimental Evidence of Illegal Detention without Intent
Supporting Information

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A1 Incidence of Pre-Trial Detention Globally, Estimates of Illegal Pre-Trial Detention

A1.1 Incidence of Pre-Trial Dentention

Figures A1 and A2 reflect the incidence of pre-trial detention cross nationally, using data on 186 countries from the Institute for Criminal Policy Research (2017). Note that this data contains only rates of pre-trial detention, not illegal or prolonged pre-trial detention.

- Figure A1 and A2 graph the proportion of each nation's prison population held in pre-trial detention. This includes, but does not delineate, illegal from legal remand detention. However, high rates of pre-trial detention in this measure are an appropriate proxy for rates of prolonged pre-trial detention.
- Figure A3 indicates the number of pretrial detainees per 100,000 in the national population held in pre-trial detention. This measure is highly positively correlated with the share of incarcerated individuals per country.

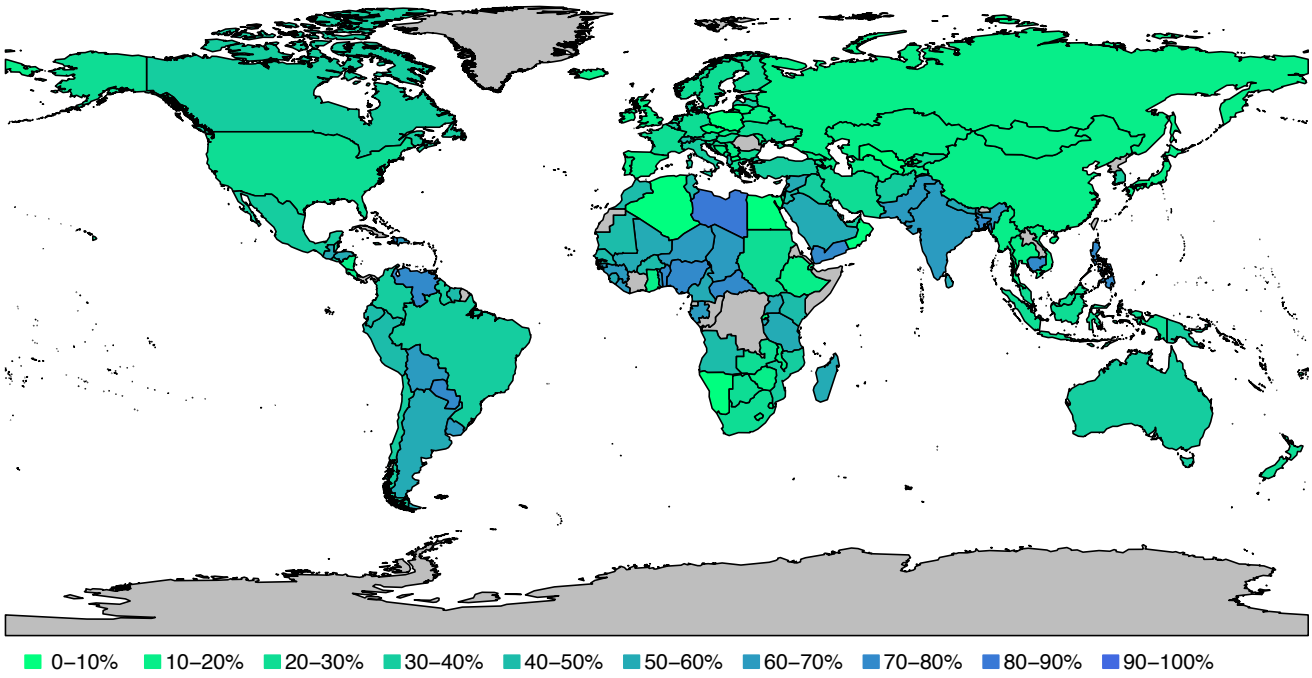

Figure A1: This graph depicts the share of national prison populations comprised by pre-trial detainees. Data from Institute for Criminal Policy Research (2017).

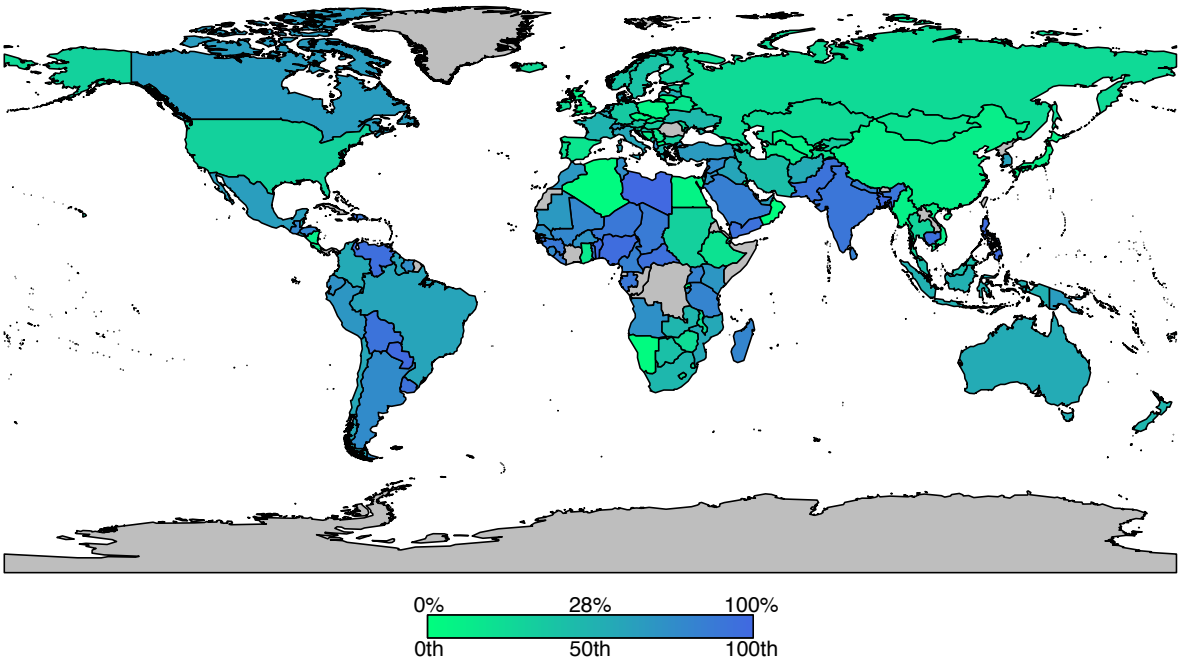

Figure A2: This graph depicts the comparative state of pretrial detention rates. The color scale represents the percentile of this share among all countries providing prison data. Data from Institute for Criminal Policy Research (2017).

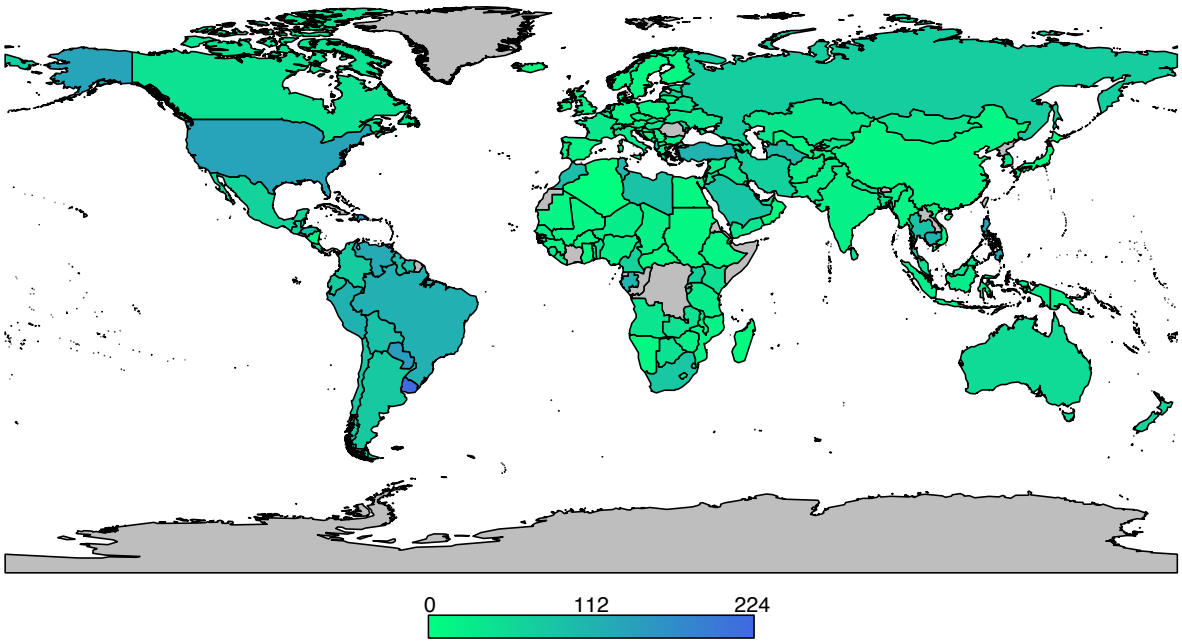

Figure A3: This graph reflects the number of pretrial detainees per 100,000 in the national population. Data from Institute for Criminal Policy Research (2017).

A1.2 Estimating the Number of *Illegal* Pretrial Detainees

We provide a rough estimate of the number of illegal pretrial detainees cross-nationally by bounding the share of prisoners that can be accommodated by the courts while preserving statutory or constitutional protections in terms of the length and conditions of pretrial detention. In OECD countries, the average rate of pretrial detention is $\approx$ 20 percent. While abuses still occur, they are less pervasive.[1] The following simulation depicted in Figure A4 is estimated using Equation 1, where countries providing prison data are indexed i, the rate of pretrial detention is denoted r_i and the population of prisons nationwide is χ_i. We vary the threshold $\tau \in [0, 1]$ over which detainees are assumed to be illegally detained.

$$\textit{Illegal detainees} = \sum_{i=1}^{186} \max\{0, (r_i - \tau)P_i\} \tag{1}$$

The results across the range of possible τ's is depicted in Figure A4. We posit that a reasonable range for τ is 0.15 to 0.25 (indicated by the vertical and horizontal). At $\tau = .2$, we estimate slightly more than 1 million illegal pretrial detainees in these 186 countries.

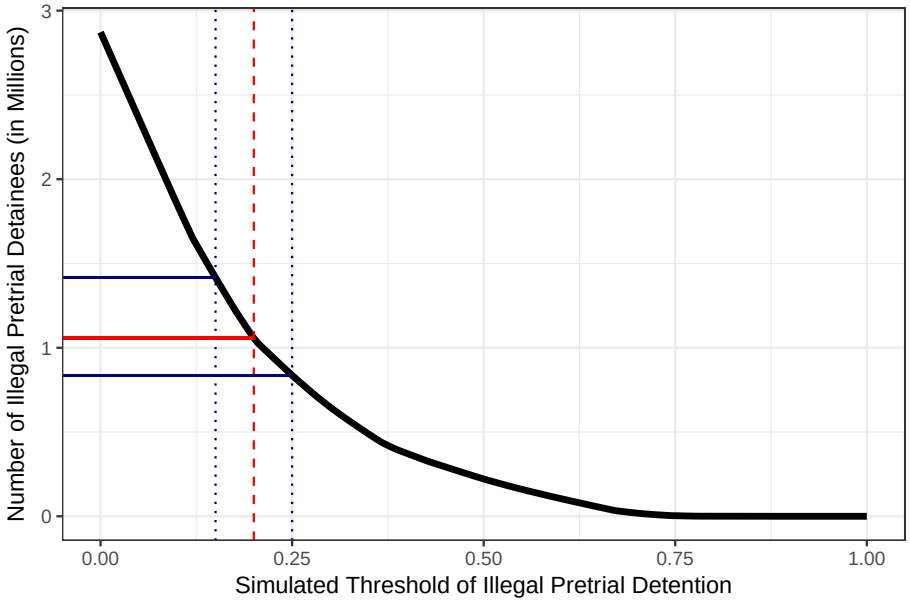

Figure A4: This graph number of pretrial detainees per 100,000 in the national population. Data from Institute for Criminal Policy Research (2017).

Where are these illegal detainees detained? Figure A5 plots the geographic distribution of these presumed illegal detainees when $\tau = .2$.

[1] Consider the tragic case of Khalief Browder, who was detained illegally in a New York prison for three years. This case was noteworthy both for the egregiousness of the human rights violation and for its relative rarity.

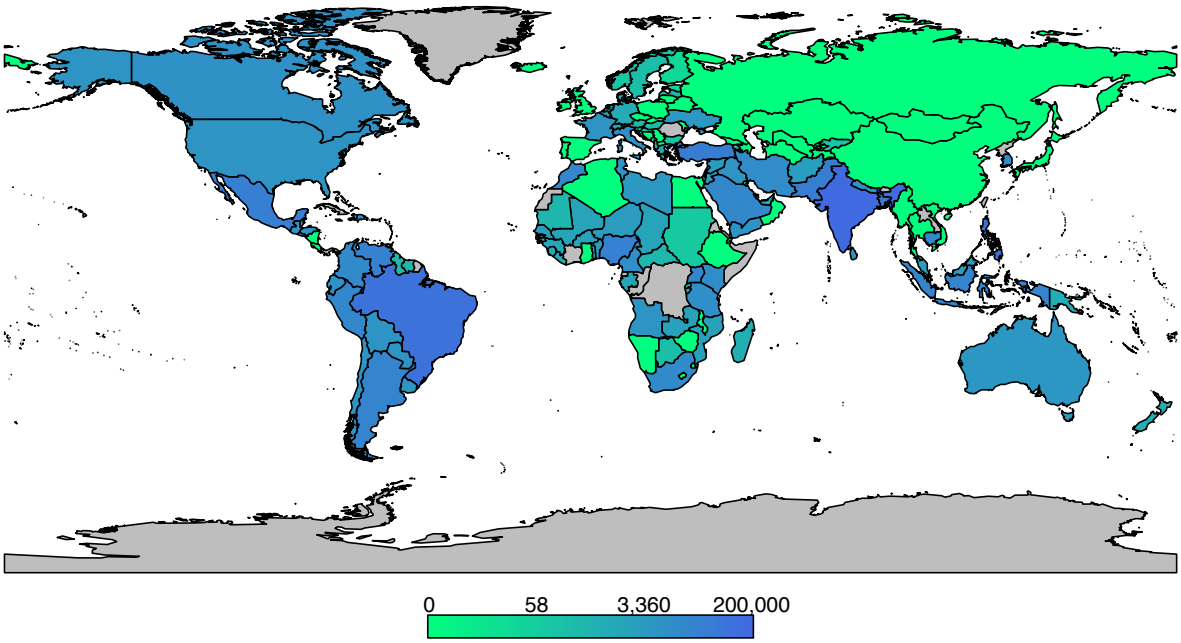

Figure A5: This graph depicts estimates of the number of illegal pretrial detainees per country. Estimated from Equation 1, assuming $\tau = .2$. Note the colors represent a log scale. Data from Institute for Criminal Policy Research (2017).

A2 Theoretical Model

Here we introduce a theoretical model that generates the testable hypotheses presented in the main paper. While a somewhat simpler model would yield these hypotheses, we present a version that helps to understand the dynamics underlying possible SUTVA violations.

Consider two agents indexed by agency, $j \in \{P, C\}$, representing the parquet (P) and the court (C). The prosecutor (parquet agent) and investigative judge (court agent) earn a lump sum wage w_j. Each employee has a unit mass of backlogged cases. We consider the cases from each agency in the context of a multitask contracting framework where the two tasks consist of working on unrepresented (U) and represented (R) cases, denoted α_{Uj} and α_{Rj}, respectively such that $\alpha_{Uj} + \alpha_{Rj} \in [0, 1]$. Outputs within an agency are a function of effort and mean-zero, standard normal variance covariance matrix Σ_j.

$$q_{Uj} = \alpha_{Uj} + \epsilon_{ij} \tag{2}$$
$$q_{Rj} = \alpha_{Rj} + \epsilon_{ij} \tag{3}$$

Agents have constant absolute risk aversion (CARA) utility, where η represents the coefficient of absolute risk aversion.

$$U_A(w, \boldsymbol{\alpha}_j) = -e^{-\eta(w_j - Sp(1-q_{Uj}-q_{Rj})+\psi(\alpha_{Uj},\alpha_{Rj}))} \tag{4}$$

In this formulation, w is a fixed pubic sector wage. S is a sanction imposed on the basis of (lack of) outputs with probability p. Following Holmstrom and Milgrom (1991), we parameterize $\psi(\cdot)$ as:

$$\psi(\alpha_{Uj}, \alpha_{Rj}) = \frac{c_{Uj}\alpha_{Uj}^2 + c_{Rj}\alpha_{Rj}^2}{2} - \delta(\alpha_{Uj}\alpha_{Rj}) \tag{5}$$

The worker's certainty equivalent is thus:

$$w + Sp(\alpha_{Uj} + \alpha_{Rj}) - \frac{\eta}{2}(Sp(\sigma_{Uj} + \sigma_{Rj})) - \frac{c_{Uj}\alpha_{Uj}^2 + c_{Rj}\alpha_{Rj}^2}{2} - \delta(\alpha_{Uj}\alpha_{Rj})$$

Maximizing with respect to α_{Uj} and α_{Rj} yields optimal effort:

$$a_{Uj}^* = \frac{Sp(c_{Rj} - \delta)}{c_{Rj}c_{Uj} - \delta^2}, a_{Rj}^* = \frac{Sp(c_{Uj} - \delta)}{c_{Rj}c_{Uj} - \delta^2} \tag{6}$$

Within the period of the study, we assume that the principal does not alter w, S, or p; thus we treat these parameters as exogenous. As such, we characterize a partial equilibrium.

We now turn to the mapping of outputs between agencies. We assume that σ_j is a partition from a larger mean-zero multivariate normal covariance matrix $\mathcal{B}$, which indexes both the the assignment status of the case, $z \in \{R, U\}$ as well as the agency j. Without loss of generality, assume $\sigma_{Rj} = \sigma_{Uj} = 1 \forall j$; the notation below simply clarifies the structure of the matrix.

$$\mathcal{B} = \begin{bmatrix} \sigma^2_{UP} & 0 & 0 & 0 \\ 0 & \sigma^2_{RP} & 0 & \rho \\ 0 & 0 & \sigma^2_{UC} & 0 \\ 0 & \rho & 0 & \sigma^2_{RC} \end{bmatrix}$$

Legal assistance increases ρ from 0 in the unrepresented state to $\rho > 0$ in the represented state. We assume that covariance terms except for ρ are zeros, we can thus represent case outputs using a bivariate probit function.[2] Cases advance when they clear a threshold T_j, e.g. $q_j > T_j$. Liberation occurs when they clear the thresholds in both offices, e.g. $q_j > T_j \forall j$. We can thus write the probability of case advancement and liberation as a function of the T_j. Φ_2 denotes the bivariate probit function.

$$\textit{Pr(Case Advancement}|z) = 1 - \Phi_2(T_P - \alpha^*_{zP}, T_C - \alpha^*_{zC}, \rho)$$
$$\textit{Pr(Liberation}|z) = \Phi_2(\alpha^*_{zP} - T_P, \alpha^*_{zC} - T_C, \rho)$$

A2.1 Observable Implications with SUTVA

First, assume that $\delta = 0$ so that efforts on represented and unrepresented cases are independent. Further, assume that $p < \frac{c_{Rj}c_{Uj} - \delta^2}{S(c_{Rj} + c_{Uj} - 2\delta)}$, to ensure that total effort $(\alpha^*_{Uj} + \alpha^*_{Rj})$ remains interior. These assumptions imply that SUTVA holds in the present model.

In this case, it is straightforward to show that $\alpha^*_{Uj} = \frac{Sp}{c_{Uj}}$ and $\alpha_{Rj} = \frac{Sp}{c_{Rj}}$. Since legal assistance reduces the cost of effort, $c_{Rj} < c_{Uj}$ implies that $\alpha^*_{Rj} > \alpha^*_{Uj}$. The difference in the probability of case advancement, $\Delta_{Advancement}$, is thus:

$$\Delta_{Advancement} = 1 - \Phi_2(T_P - \alpha^*_{RP}, T_C - \alpha^*_{RC}, \rho) - (1 - \Phi_2(T_P - \alpha^*_{UP}, T_C - \alpha^*_{UC}, \rho))$$

Further, it is straightforward to show that the difference in probability of liberation, $\Delta_{Liberation}$, is thus:

$$\Delta_{Liberation} = \Phi_2(\alpha^*_{RP} - T_P, \alpha^*_{RC} - T_C, \rho) - (\Phi_2(\alpha^*_{UP} - T_P, \alpha^*_{UC} - T_C, \rho))$$

While there are no closed form comparative statics, the behavior of the bivariate probit function is well established.

Proposition 1. *The difference in the probability of case advancement for represented and unrepresentated cases is positive when $c_{Uj} > c_{Rj}$ and $\rho \geq 0$.*

Proof: $c_{Uj} > c_{Rj}$ implies that $\alpha^*_{Uj} < \alpha^*_{Rj}$, as shown above. Thus, $\Phi_2(T_P - \alpha^*_{RP}, T_C - \alpha^*_{RC}, \rho) < \Phi_2(T_P - \alpha^*_{UP}, T_C - \alpha^*_{UC}, \rho)$. This implies that the difference, $\Delta_{Advancement} > 0$.

Because the second task – represented cases – is experimentally induced, Proposition 1 yields two observable implications.

[2] In the empirical setting, the random assignment of case types makes this assumption plausible.

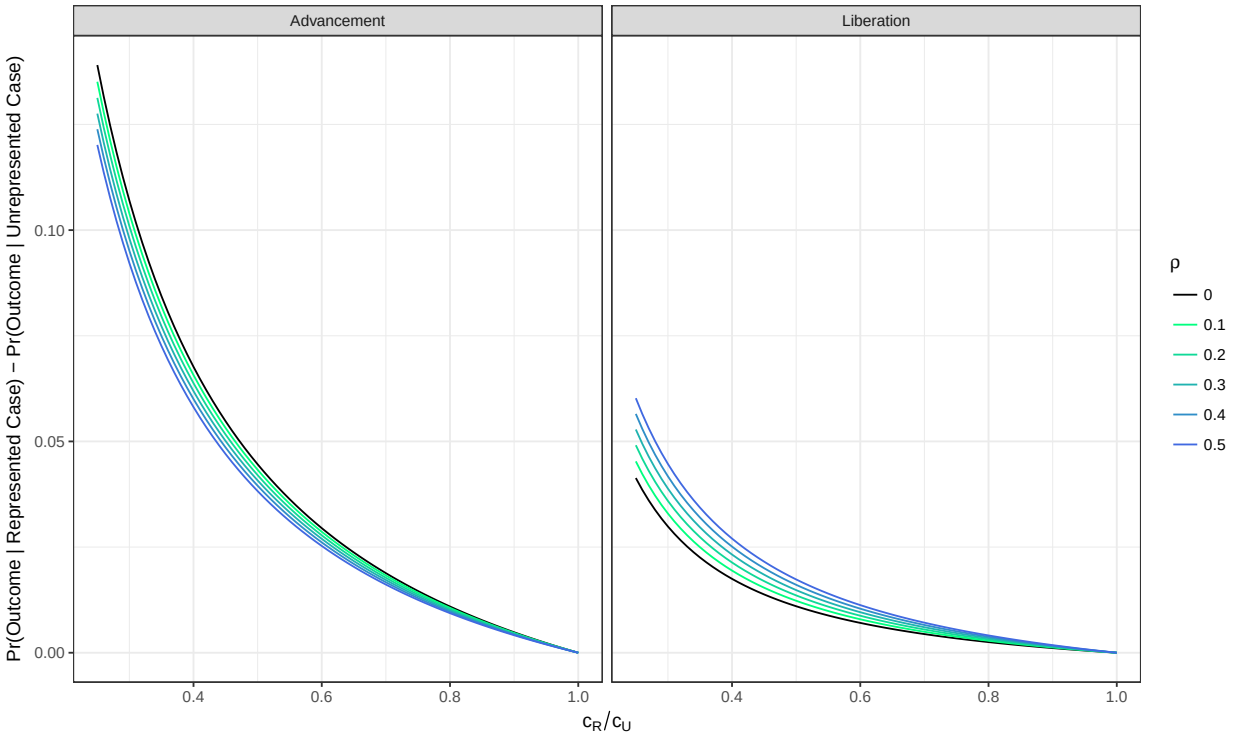

Figure A6: The difference in probability in case advances (left) and liberation (right) between represented and unrepresented cases. In this simulation $c_{Uj} = 1 \forall j$, $S = 1$, $p = .1$, $\delta = 0$, and $T_P = T_C = 1$.

- The probability of advancement among represented cases should be greater than the probability of advancement in control. For the purposes of our data, this corresponds to cases that spent a longer duration in treatment.
- The rate of advancement among represented cases should increase relative to the rate of advancement prior to the start of the legal assistance.

Proposition 2. *For any $\alpha^*_{Rj} > \alpha^*_{Uj}$, the probability of liberation is increasing in the correlation in outputs between the two agencies, ρ, for all $\rho > 0$.*

Proof: $\frac{\partial \Delta_{Liberation}}{\partial \rho} > 0 \forall \rho \geq 0$.

Collectively Propositions 1 and 2 imply that legal assistance should increase the rate of liberation through some combination of the shock to the marginal cost of effort and the correlation induced in the outputs. These results are illustrated in Figure A6.

A2.2 Observable Implications of Substitutable Effort

First, we relax the assumption that the tasks – represented and non-represented cases – are technologically independent, e.g. that $\delta = 0$. This is akin to saying that by creating represented cases as a task, we exogenously induce some increase in δ. Prior to treatment, random assignment ensures that $\delta = 0$. We assume that represented cases and non-represented cases are substitutes. The effect of legal assistance will be exaggerated as δ increases. Figure A7 varies $\delta \in [0, c_{Rj}]$ to demonstrates the possible range of results possible

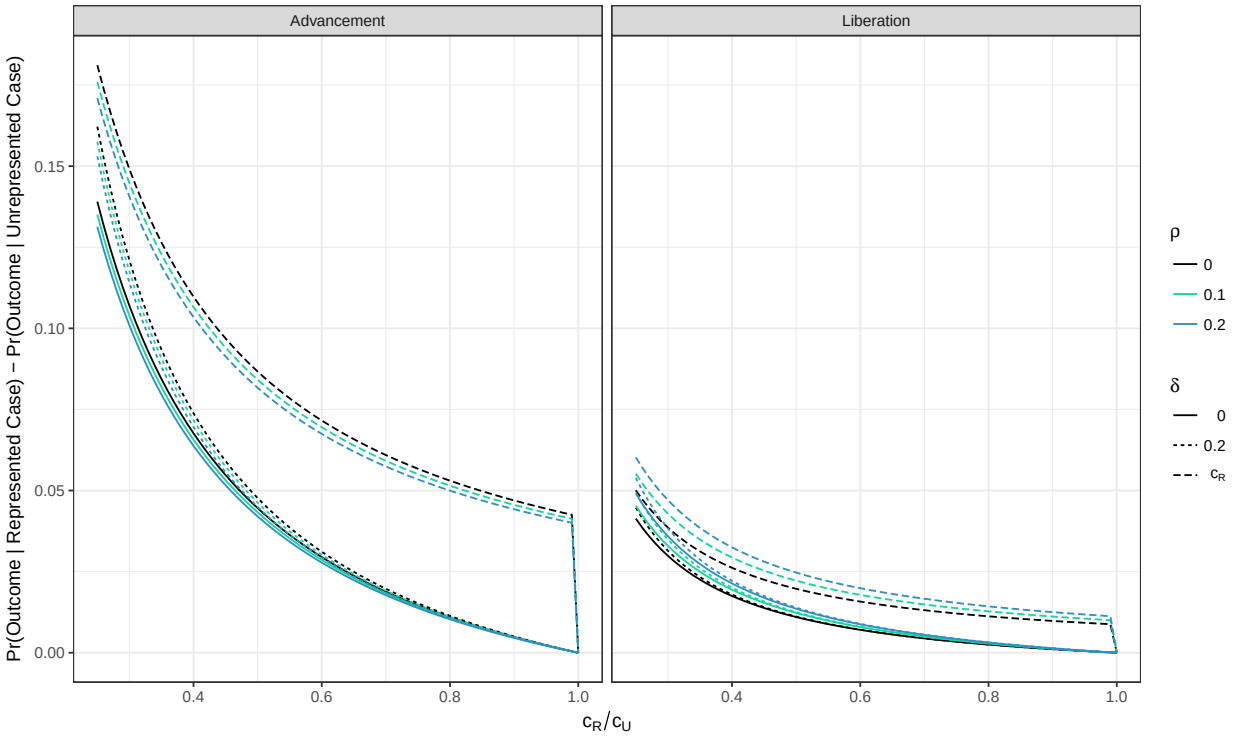

Figure A7: The difference in probability in case advances (left) and liberation (right) between represented and unrepresented cases, varying δ. In this simulation $c_{Uj} = 1$, $S = 1$, $p = .1$, and $T_P = T_C = 1$.

such that $\alpha^*_{Uj} \geq 0$.

Notably, while a SUTVA violation of this form may lead to overstatement of treatment effects where $\alpha^*_{Rj} > \alpha^*_{Uj}$, if there is indeed no change in equilibrium effort, presumably because $c_{Rj} = c_{Uj}$, the difference in probability of advancement is 0 for all δ. The degree of bias (difference in probabilities from the independent case is quite sensitive to δ. However, we can take advantage of the randomized timing of the intervention to compare advancement in treated cases before and after the intervention, which will mitigate the extent of any bias induced by a simultaneous increase in δ. In this case, the equilibrium efforts that we compare are:

$$a^*_{Uj} = \frac{Sp}{c_{Uj}}, a^*_{Rj} = \frac{Sp(c_{Uj} - \delta)}{c_{Rj}c_{Uj} - \delta^2}$$

A2.3 Observable Implications of Congestion

Finally we relax the assumption that equilibrium effort is interior by relaxing the assumption that $p < \frac{c_{Rj}c_{Uj} - \delta^2}{S(c_{Rj} + c_{Uj} - 2\delta)}$. If the agents are working close to capacity prior to the intervention, a reduction in the cost of effort may be stymied if it overwhelms the capacity of the parquet/court to process cases (e.g. via congestion). To model this, we vary p holding $\delta = 0$. Figure A8 presents the simulations that demonstrate that for sufficient reductions in cost that that render $\alpha^*_{Rj} + \alpha^*_{Uj} > 1$, the observed difference in probability

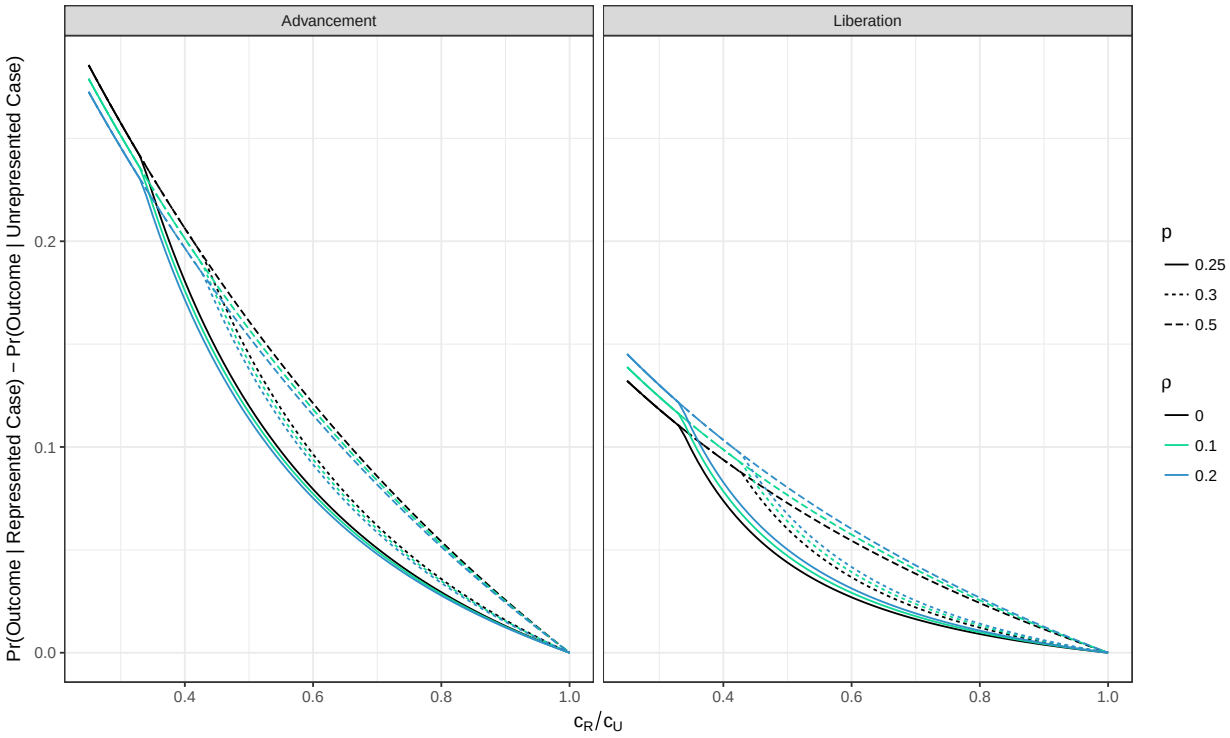

Figure A8: The difference in probability in case advances (left) and liberation (right) between represented and unrepresented cases, varying p. In this simulation $c_{Uj} = 1 \forall j$, $S = 1$, $d = 0$, and $T_P = T_C = 1$.

of advancement/liberation will be attenuated.

This analysis suggests that evidence that agents are not working at "full" capacity should reduce concerns about the role of this SUTVA violation in biasing estimates.

A3 Pretrial Detention in Haiti: Historical Trends

- The US Department of State's annual Human Rights Country Report on Haiti document the number of prisoners and the number of pre-trial detainees held nationwide at the end of each year. These graphs provide trends over the ten years preceding the experiment. The left panel depicts the total number of detainees (blue solid lines) and the number of pre-trial detainees (green dotted lines). The right panel depicts the proportion of the prison population that are held in pre-trial detention.
- The 2010 earthquake destroyed the main prison in Port au Prince that houses nearly 40% of the nation's prisoners. This damage led to a massive jail break.

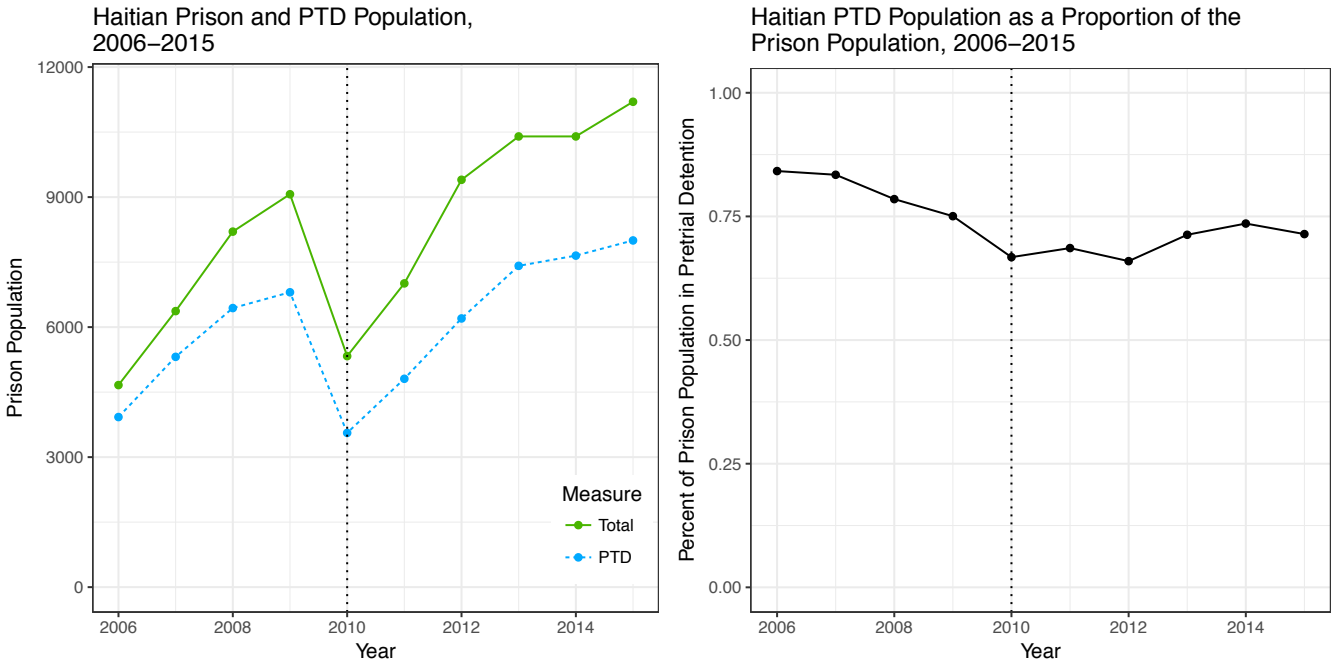

Figure A9: This graph depicts the rate of pre-trial detention in Haiti, as per US Department of States Human Rights Country Reports, 1996-2015.

A4 Descriptive Profile of Detainees

A4.1 Demographic Information

Figures A10 and A11 provide descriptive information on the detainees in the sample.

- Figure A10 reports the age and gender of detainees in the sample. Age data is self-reported (for the 876 detainees in the baseline) and from prison registers for those that were not present at baseline.
- Figure A11 depicts the self-reported asset ownership prior to detention. This data comes from the endline survey. Re-interview rates among those that were detained were 85.4% and among those that were freed was 9%. As such, the sample overrepresents those that were still detained. Rates of asset ownership for each asset are compared to responses to the same question from the 2012 DHS Haiti survey. In the DHS survey, we subset to the relevant jurisdictions. The results suggest that if anything, detainees recall having assets at slightly higher rates than the median respondent in the DHS survey. This suggests that, if illegal detention is indeed inflicted upon those that cannot afford to hire a lawyer or pay a bribe, a substantial portion of the Haitian population is liable to lack the resources to avoid illegal pretrial detention if arrested.

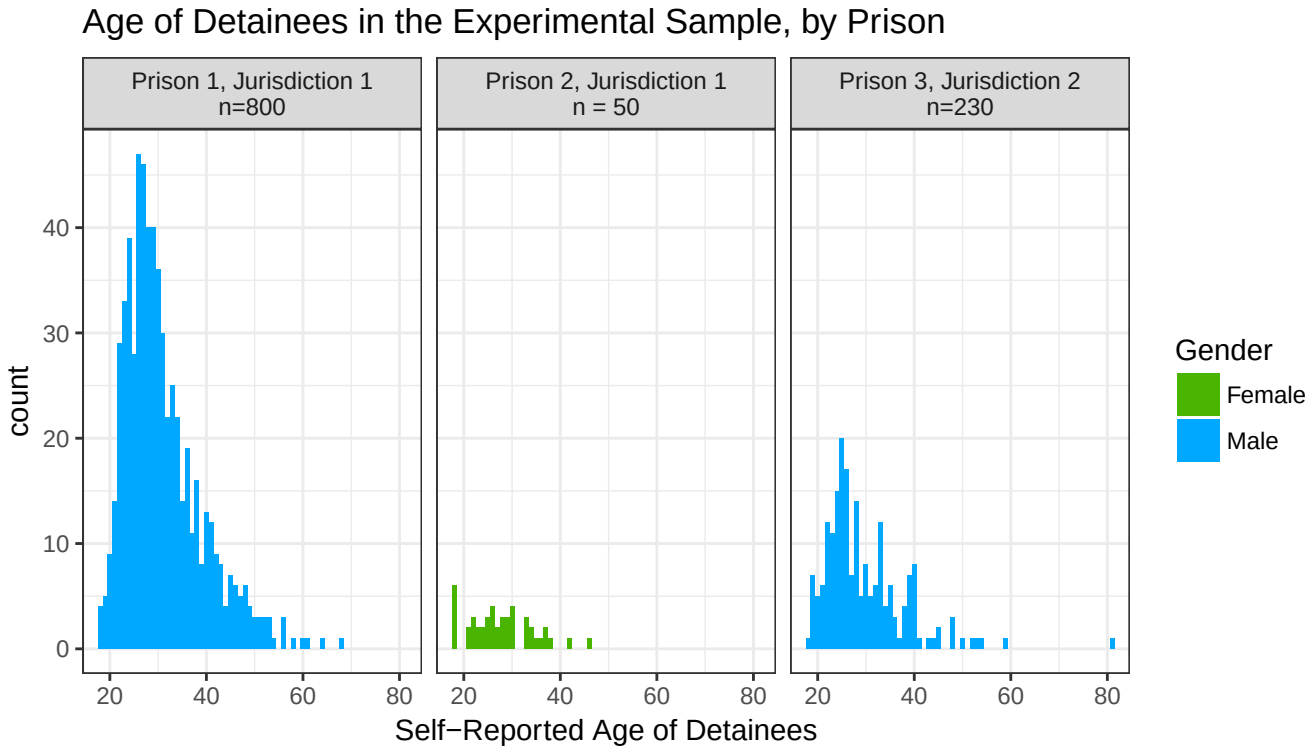

Figure A10: Reported age of and gender of detainees in the sample, by prison. Data from baseline survey and, where unavailable, prison records.

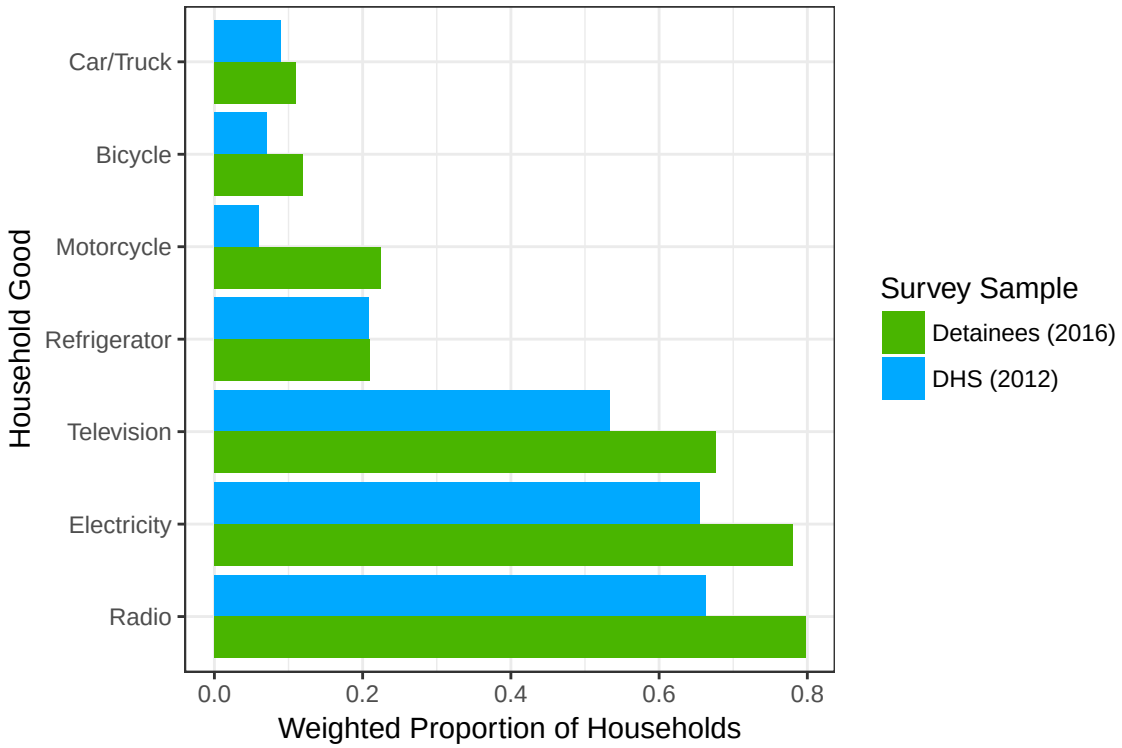

Figure A11: Reported asset ownership of detainees prior to detention compared to DHS survey data from a representative sample in the same jurisdictions, 2012.

A4.2 Charges

Here we consider the charges against the detainees in our sample. Figure A13 documents that the frequency of broad classes of charges in the prison registers and in the court records are quite similar. These are computed by looking for common words (e.g. "vol" for theft) across recorded charges and recording the number of times the word appears. Some defendants are charged with multiple offenses. Each time the word appears in any charge, it is counted. Thus, some detainees contribute to multiple categories.

Figure A12: Relative frequency of different classes of charges across the prison records and case files data. The case files cover a (random) subset of those in the prison records, given the random assignment of treatment. These records suggest very similar patterns across the two sources of data.

Now we consider the correspondence of charges between different sources, by detainee. To do this, we simply correlate indicators for each class of charge between different data sources. The panels consider the following data sources:

- **Measure 1:** Baseline survey (self-reported) measures for $n = 876$ detainees detained at baseline.
- **Measure 2:** Endline survey (self-reported) measures for $n = 640$ detainees detained at endline or successfully recontacted.
- **Measure 3:** Court records (administrative) for the $n = 503$ individuals assigned to treatment during the rollout.
- **Measure 4:** Prison records (administrative) for the $n = 1080$ individuals in the experimental sample.

Note that all correlations are positive. Those between (a) court and prison records and (b) baseline and endline surveys are quite strong. Nevertheless, the positive correlations in the third and fourth panels suggest a general awareness of the accusations among prolonged pretrial detainees.

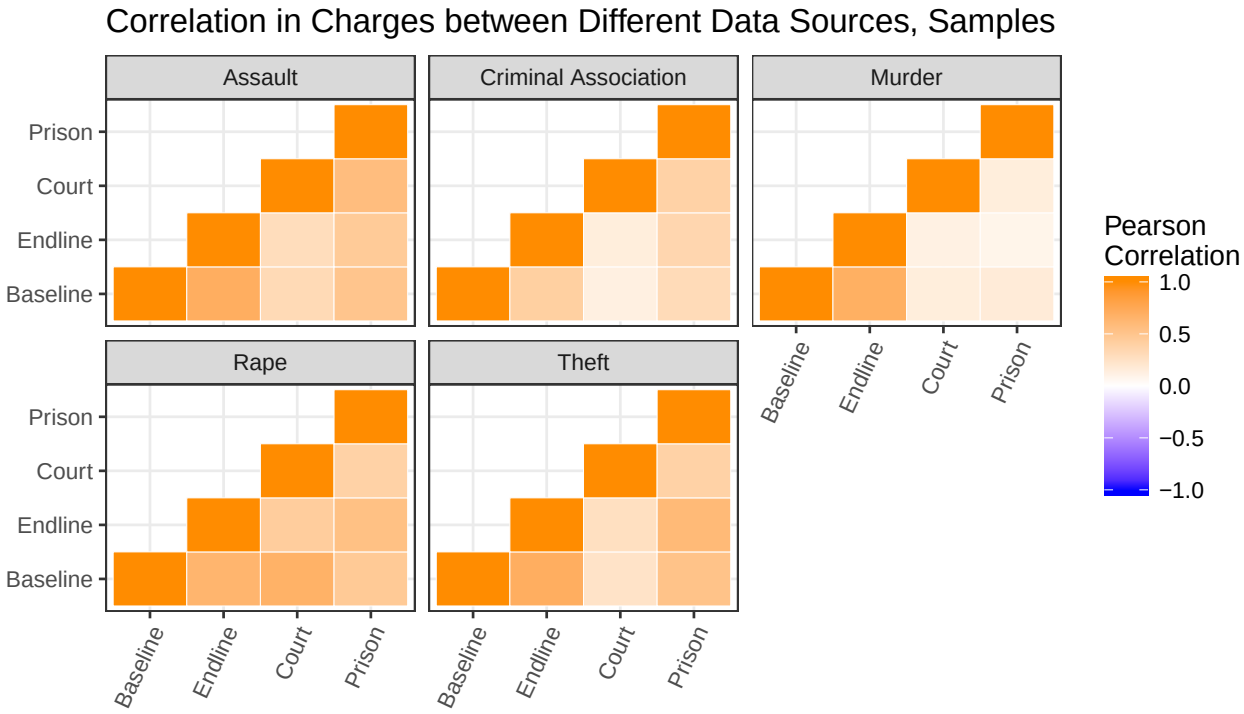

Figure A13: Correlation of the charge indicator variables reported by different data sources. Fraud and threatening were not recorded in the baseline survey so they are missing from the final three panels.

A5 Data Sources and Sequencing of Data Collection

Figure A14 describes our five sources of data, their temporal coverage, and the sequencing of data collection for the original data employed in this project.

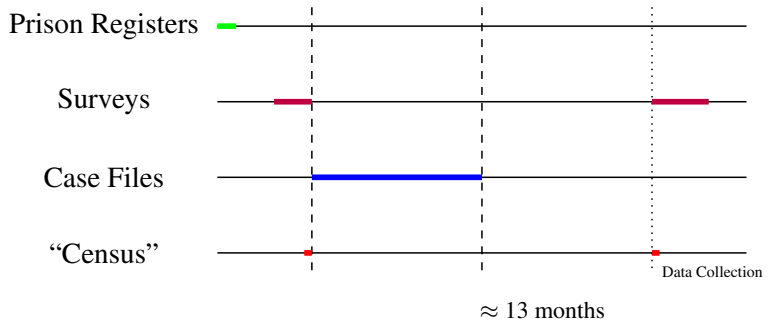

Figure A14: Depiction of data sources and temporal coverage as well as the sequencing of data collection.

A6 Research Design Details and Validation

A6.1 Balance Table

For a balance test, we regress covariates from the prison register data on treatment assignment coded in two ways:

- Columns 1-2 use the ordinal order indicator from each prison as the outcome variable. Since prisons are heterogeneous in the size of the experimental sample we employ prison fixed effects in both specifications.
- Columns 3-4 use quantile of the order assignment within a prison as the outcome variable. The F-tests in these specifications represent an appropriate test of the joint significance of all pretreatment covariates on the treatment indicator.

	Dependent variable:			
	Order		Order Percentile	
	(1)	(2)	(3)	(4)
Age	−0.549	−0.436	−0.0002	−0.00001
	(0.754)	(0.774)	(0.001)	(0.001)
Education	−0.810	0.418	−0.002	−0.002
	(6.651)	(6.730)	(0.008)	(0.008)
Number of Charges	4.391	1.999	0.008	0.003
	(9.689)	(9.951)	(0.013)	(0.014)
Violent First Charge	−4.870		−0.008	
	(15.717)		(0.022)	
Conspiracy Charge		−26.595		−0.050*
		(18.333)		(0.026)
Assault Charge		−34.662		−0.043
		(28.989)		(0.041)
Fraud Charge		−23.758		−0.038
		(26.418)		(0.037)
Murder Charge		−13.814		−0.030
		(21.837)		(0.031)
Threat Charge		7.364		0.035
		(41.718)		(0.059)
Other Charge		11.241		0.002
		(22.770)		(0.033)
Attempted Murder Charge		18.357		0.019
		(29.195)		(0.042)
Prison FE	yes	yes	no	no
Observations	1,080	1,080	1,080	1,080
R^2	0.305	0.309	0.001	0.007
Adjusted R^2	0.301	0.301	−0.003	−0.002
F Test (p- value)	-	-	0.9677	0.7557
Note:				*p<0.1; **p<0.05; ***p<0.01

Table A1: Balance Table. The charges (violent first charge and all of the categorical charges) correspond to the first charge listed for each inmate in the respective prison's register. Estimated by OLS with heteroskedasticity-robust standard errors in parentheses.

A6.2 Pre-Treatment Missingness and Attrition

There are two forms of missingness present in our data. We sampled from the list of prisoners in the three Haitian prisons that were collected from prison records two months prior to the baseline survey. From this sample, we formed the "quintet" blocks in each prison prior to the baseline. However, at the baseline, 19% of this sample was not located by enumerators in the prison during hte census. This was unrelated to treatment: enumerators were not apprised of the design or the order in which detainees were expected to receive treatment. Baseline surveying occurred before treatment commenced. As such, missingness should not be systematically related to treatment assignment. We run a battery of empirical specifications, including Table A2 to assess the relationship between our treatment indicator and baseline missingness. In all specifications and subsamples, we fail to reject the null hypothesis of no relationship between treatment assignment and baseline missingness.

	Dependent variable:				
	Missing During Baseline Data Collection				
	(1)	(2)	(3)	(4)	(5)
Order Quantile by Prison	−0.018	−0.011	−0.031	0.000	0.054
	(0.043)	(0.039)	(0.047)	(0.138)	(0.077)
Quintet FE	no	yes	yes	yes	yes
Subsample	All	All	Prison 1	Prison 2	Prison 3
Proportion Missing	0.190	0.190	0.190	0.211	0.080
Observations	1,080	1,080	800	50	230
Note:					*p<0.1; **p<0.05; ***p<0.01

Table A2: Effect of the order indicator (treatment assignment) on baseline missingness. Estimated by OLS with heteroskedasticity-robust standard errors in parentheses.

Baseline missingness was consistent with the case records of the lawyers during the treatment period. We did not apprise them of the findings of the survey: they aimed to locate both the prisoner and case files. We were able to identify whether each of the 876 individuals that was imprisoned during the endline survey nine months later. As such, for our liberation outcome, there is no subsequent attrition. Given the independence of treatment assignment and baseline attrition, this form of attrition will not bias our estimates. It also provides ancillary information about the state of records in the Haitian prison system: we estimate that absent legal assistance, approximately 1.6% pretrial detainees are released from prison per month (95% CI: [0.0074, 0.0258]). Accounting for detainee releases in the two months between collection of prison records and the baseline, we estimate that approximately 16% of the individuals prison registers are not presently held in a given prison.[3]

In our analyses of case files, lawyers collected data for all individuals assigned to treatment, so we have records for all 503 detainees assigned to treatment, regardless of compliance with treatment assignment, during the intervention period. While some case files are more complete than others, we collect basic

[3] We cannot estimate the share of individuals presently in prison that do not appear in the registers. This is a more severe problem in terms of record-keeping and the preservation of detainees' rights.

outcomes for all detainees.

A6.3 Manipulation Check

This manipulation check comes from a question on the endline survey, inquiring whether detainees recalled a visit by a representative of [name of legal aid project].

	Dependent variable:			
	Recognizes Legal Assistance Program by Name			
	(1)	(2)	(3)	(4)
Order Quantile within Prison	0.352***	0.398***	0.286***	0.809***
	(0.052)	(0.047)	(0.050)	(0.114)
Mean of DV, Treatment = 0	0.009			
Treatment Range	[0, 1]	[0, 1]	[0, 1]	[0, 1]
Subsample	All	All	J1	J2
Observations	640	640	495	145
	(1)	(2)	(3)	(4)
Treatment Assigned (Binary)	0.241***	0.265***	0.206***	0.520***
	(0.030)	(0.026)	(0.029)	(0.053)
Mean of DV, Treatment = 0	0.052			
Treatment Range	{0,1}	{0,1}	{0,1}	{0,1}
Subsample	P1 and P3	P1 and P3	P1	P3 (J2)
Observations	613	613	468	145
	(1)	(2)	(3)	(4)
EVB (Binary Treatment)	[-0.083, 0.441]	[-0.077, 0.436]	[-0.121, 0.391]	[0.116, 0.632]
EVB Confidence Interval	(-0.143, 0.495)	(-0.132, 0.484)	(-0.182, 0.446)	(-0.004, 0.719)
Treatment Range	{0,1}	{0,1}	{0,1}	{0,1}
Subsample	P1 and P3	P1 and P3	P1	P3 (J2)
Observations	830	830	632	198
Quintet FE	no	yes	yes	yes
IPW	yes	yes	no	no
Hypothesis Test	Two-Sided	Two-Sided	Two-Sided	Two-Sided
Note:				*p<0.1; **p<0.05; ***p<0.01

Table A3: Intent to Treat (ITT) effects of the probability that a respondent recalled meeting a lawyer from the legal assistance program. This serves as a manipulation check. In the second panel, the prison (P2) in which all detainees were assigned to treatment is dropped. Columns 3 and 4 correspond to the two jurisdictions in which legal assistance was provided. Heteroskedasticity robust standard errors in parentheses in panels 1 and 2. The third panel reports extreme value bounds (EVB) on the models from the second panel with 95% confidence intervals calculated off of heteroskedasticity-robust standard errors.

A7 Reasons for Non-Compliance

In the legal assistance program that we evaluate, there are several reasons for which an individual assigned to treatment may not "take" treatment, as follows:

1. *Detainee is accused of an ineligible offense.* The donor funding legal assistance refuses to provide legal assistance to individuals accused of rape, human trafficking, or drug trafficking. Our sampling method attempted to minimize the prevalence of such detainees in the sample, but prison records are not fully accurate. Additionally, in French/Haitian Creole, the words for "theft" and "rape" (*vol* and *viol*) are quite similar and may have created some issues in the transcription of records.

2. *Case has multiple defendants.* Cases are difficult to prosecute when all defendants are not incarcerated. Given limited capacity to locate additional defendants, program implementers did not provide legal assistance to defendants in cases with more than five defendants or in cases where at least one co-defendant was at large.

3. *Case proceedings in a different jurisdiction.* There is some transfer of prisoners between prisons in different jurisdictions. Because the legal assistance program worked in only two jurisdictions, they were unable to provide legal assistance in cases from other jurisdictions.

4. *Detainee represented by a private lawyer.*

5. *Detainee represented by a legal aid program from a different aid organization/NGO.*

6. *Detainee is not in prolonged pretrial detention.* If a detainee had already been convicted, acquitted, or released, she is not considered to be in pretrial detention. These cases of non-compliance were caused by inaccurate prison records or case progress between collection of prison records and assignment to legal assistance.

7. *Detainee not found in court records or in prison.* There were two names that were only located in prison registers. We do not know if the names were inaccurate or falsified.

8. *Detainee died in prison.* Two individuals died in prison between collection of records and their assignment to treatment.

The following table documents the frequency of each reason for non-compliance.

Reason for noncompliance	Frequency
Accused of ineligible infractions (rape, drug trafficking, human trafficking)	18
Case has multiple defendents	52
Case proceedings in a different jurisdiction	24
Detainee represented by private lawyer	15
Detainee represented by different aid organization/NGO	4
Detainee already judged or liberated	40
Detainee not found in prison or in court records	2
Detainee died in prison	2
Total	157

Table A4: Reasons for non-compliance and the frequency of occurrence among those assigned to treatment.

A8 How many detainees could have been released?

In order to contextualize the magnitude our findings on release from detention, we consult the criminal code to determine how many detainees could have been released from detention during the period of study. We proceed in two steps. First, assume that all detainees are guilty and would be convicted if tried. In accordance with the Haitian Penal Code, we identify a set of offenses for which maximum statutory punishments are less (on paper) than some detainees had served in pretrial detention. As per *Loi Lespinasse*, such detainees should be given credit for time served and their sentences would expire when brought before the appropriate authorities. We focus on four offenses:

Charge	Clarification	Article	Sentence Duration
Theft	"Ordinary" theft; not armed robbery, theft by a domestic employee, or theft by a hotelier etc.	330	3 months-3 years
Fraud	General fraud or use of counterfeit	337	1 month-3 years
Bigamy	Not specified in criminal code	N/A	—
Abuse of Confidence	Not committed by public servant	338	2 months-2 years
Vagrancy	Over age 18	227-3	1-6 months
Begging		227-6	6 days-6 months

Table A5: Charges in the prison register with short sentences as per the Haitian Penal Code. The Article number refers to the article of the Haitian Penal Code.

Note that the crime of "criminal association" is used broadly. The criminal code does not specify a specific sentence for criminal association, but these sentences should be relatively short absent other offenses, given descriptions of what constitutes criminal association. In the following table, we present the proportion of detainees charged with the crimes in Table A5 (Column 3), the proportion accused of these crimes that would exceed the maximum sentence at endline (Column 4), the proportion of detainees held for criminal association (Column 5), and the proportion held for more than two years at endline (Column 6), and the proportion held for more than three years at endline (Column 7). These data come from baseline prison registers, not court records.

		No Charge	Charges in Table A5		Criminal Association		
Prison	Proportion	Share Detained	Share Detained	Share Detained beyond Max.	Share Detained	Share Detained $\geq$ 2 years	Share Detained $\geq$ 3 years
1	0.721	0	0.353	0.139	0.132	0.113	0.081
2	0.053	0.022	0.391	0.087	0.087	0.065	0.022
3	0.226	0.121	0.398	0.061	0.226	0.056	0.015
All	(1)	0.028	0.366	0.088	0.154	0.098	0.072

Table A6: Share of detainees by charge and prison. The column "Share Detained beyond [statutory] Max." is the most conservative estimate of the share that should have been released by the end of the intervention if we consider all detainees guilty.

If we make the stark assumption that all detainees are guilty, the smallest proportion that should be

eligible for release at endline is given in Column 4 of A6, or about 8.8% of detainees. Summing the detainees for whom there is no ostensible charge recorded in prison registers and those accused of criminal association that are held for more than 3 years, this share increases to 18.8%.

An alternative approach is to consider cases that fall into three categories:

1. Accused detainees that would be ruled guilty who have served their maximum sentence as pretrial detainees
2. Accused detainees that would be ruled guilty who have served the term that they would be sentenced to (if not maximum)
3. Accused detainees that would be acquitted if tried
4. Accused detainees for whom there is insufficient evidence (e.g. no witnesses) to continue to prosecute the case

The previous calculation characterizes the first category from the prison registers. Among the 91.2% of detainees that had not already served the maximum sentence, one could provide an estimate (albeit arbitrary) of the share of detainees that fall into the second, third, and fourth categories, q. Without discriminating by type of case or jurisdiction, the share of detainees that could have been released is:

$$0.088 + 0.912q$$

Our best guess is that $q \approx .2$, given the backlog of cases that can be processed in a trial (a prerequisite for #2 and #3). Setting $q = .2$, we would estimate that 27.4% of detainees could have been released during the experiment.

A9 Change of President and Rate of Case Advancement

We exploit an exogenous change of president during the implementation of the experiment to show that:

1. The operation of the aid-funded legal assistance program was maintained under both presidents (political principals).

2. The effects of the program do not appear to depend on the identity of the political principal.

We construct an indicator for whether a case was initiated under the president (Martelly, days 1-22) the interim president (Privert, days 23-63). Note that because the cases assigned to a longer period of legal assistance (e.g. those initiated under Martelly) are more likely to advance, the relevant comparison are the slopes of the quantile treatment indicator. We show our findings graphically in Figure A15 and in Table A15.

The null findings here provide no evidence against the arguments in the paper. They do not "confirm" the arguments.

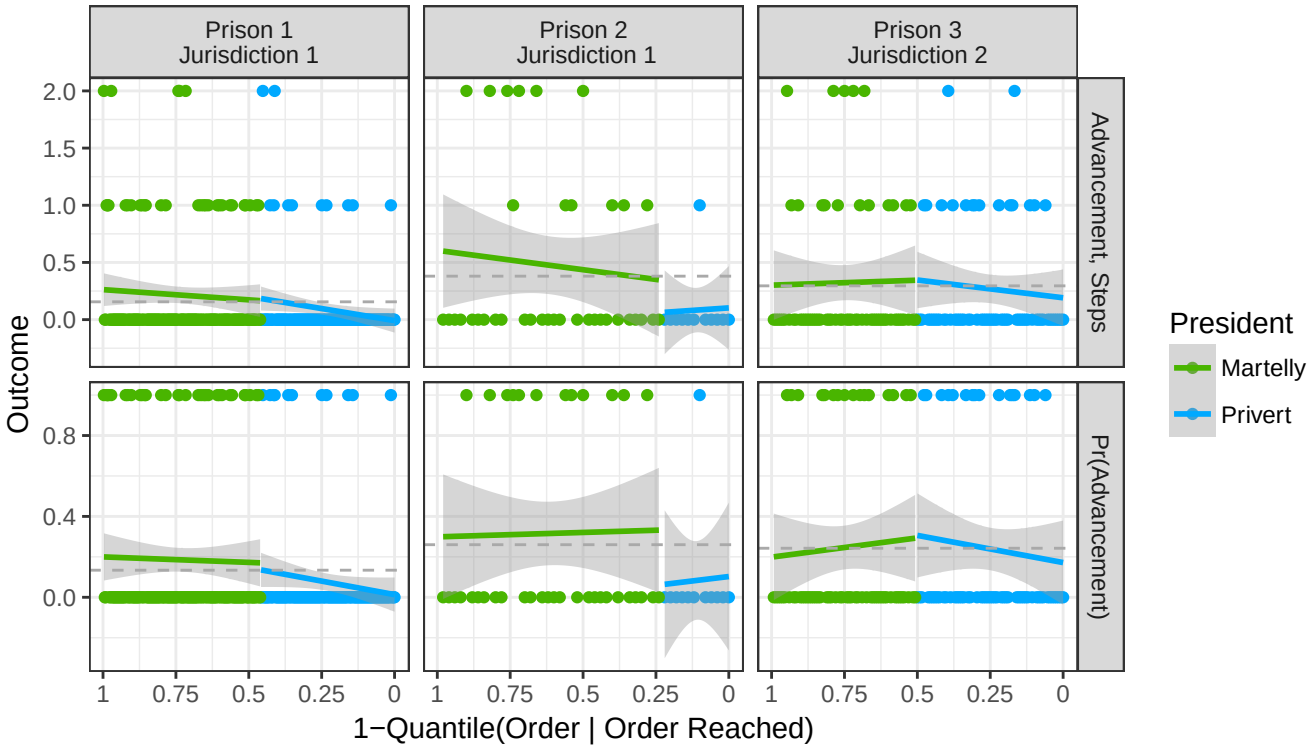

Figure A15: Plots of raw data illustrating the effect of time assigned to treatment under both presidents and number of case advancements during intervention period (top) and probability of advancement (bottom).

	Dependent variable:			
	Case Advancement (Ordinal)			
	(1)	(2)	(3)	(4)
Order Quantile Among Assigned	0.096	0.275	0.460	0.110
	(0.192)	(0.251)	(0.346)	(0.400)
Order Quantile : Interim President	0.326	0.403	0.687**	0.219
	(0.282)	(0.295)	(0.343)	(0.611)
DV Scale	{0, 1, 2}	{0, 1, 2}	{0, 1, 2}	{0, 1, 2}
	Dependent variable:			
	Case Advancement (Binary)			
	(1)	(2)	(3)	(4)
Order Quantile Among Assigned	−0.023	0.022	0.096	−0.047
	(0.157)	(0.190)	(0.252)	(0.323)
Order Quantile : Interim President	0.319	0.356	0.431	0.296
	(0.222)	(0.233)	(0.272)	(0.476)
DV Scale	{0, 1}	{0, 1}	{0, 1}	{0, 1}
Quintet FE	no	yes	yes	yes
IPW	yes	no	no	no
Subsample	All	All	Jurisdiction 1	Jurisdiction 2
Observations	503	503	371	132
Note:				*p<0.1; **p<0.05; ***p<0.01

Table A7: Analysis of heterogeneous effects on case advancement (ITTs) by president. All specifications use OLS. This test was not preregistered; all p-values are two-tailed.

A10 Heterogeneity in Case Advancement

A10.1 Original Agent with Case File

There are three categories as to where the case was found originally by the legal assistance team:

- In the Parquet, in the files of a prosecutor, the chief prosecutor, or the relevant clerk. $n = 112$
- In the Court, with a judge, an investigative judge, the chief judge, or a relevant clerk $n = 233$
- Other: In another jurisdiction, convicted, liberated, dead, or files never arrived in the office of the Parquet or Court. $n = 158$

	Dependent variable:			
	Case Advancement during Intervention (Ordinal)			
	(1)	(2)	(3)	(4)
Order Quantile Among Treated	0.052	0.047		
	(0.063)	(0.097)		
Days in Treatment			0.001	0.001
			(0.001)	(0.002)
Order Quantile: Start in Court	0.183	0.228		
	(0.125)	(0.156)		
Order Quantile: Start in Parquet	0.332	0.344		
	(0.187)	(0.216)		
Days in Treatment: Start in Court			0.003	0.004
			(0.002)	(0.003)
Days in Treatment: Start in Parquet			0.005*	0.006
			(0.003)	(0.004)
Estimator	OLS	OLS	2SLS	2SLS
Treatment Range	[0, 1]	[0, 1]	[1, 63]	[1, 63]
Quintet FE	no	yes	no	yes
IPW	yes	no	yes	no
Pre-Registered Hypothesis Test	Two-sided	Two-sided	Two-sided	Two-sided
Subsample	All	All	All	All
DV Range	$\{0, 1, 2\}$	$\{0, 1, 2\}$	$\{0, 1, 2\}$	$\{0, 1, 2\}$
Observations	503	503	503	503
Note:				*p<0.1; **p<0.05; ***p<0.01

Table A8: Conditional ITT effects of the dosage of treatment on procedural advancement, on the basis of the agent with the case at the start of the intervention. The base category is "Other." Columns 1 and 2 the quantile measure measure of the order of treatment assignment using OLS. Columns 3 and 4 uses this quantile measure to instrument for the number days of treatment *assigned* to a detainee, regardless of compliance. Heteroskedasticity-robust standard errors in parentheses.

A10.2 Previous Case Advancement

We record whether there is a record of case advancement since arrest prior to the intervention period. This record comes from prison files, court files, and any documents the detainee has received.

- No record of previous case advancement $n = 302$
- Record of previous case advancement $n = 201$

	Dependent variable:			
	Case Advancement during Intervention (Ordinal)			
	(1)	(2)	(3)	(4)
Order Quantile Among Treated	0.166	0.137		
	(0.084)	(0.087)		
Days in Treatment			0.003**	0.002
			(0.001)	(0.001)
Order Quantile: Pre-Treatment Advancement	0.201	0.285*		
	(0.148)	(0.165)		
Days in Treatment: Pre-Treatment Advancement			0.004	0.006*
			(0.002)	(0.003)
Estimator	OLS	OLS	2SLS	2SLS
Treatment Range	[0, 1]	[0, 1]	[1, 63]	[1, 63]
Quintet FE	no	yes	no	yes
IPW	yes	no	yes	no
Pre-Registered Hypothesis Test	Two-sided	Two-sided	Two-sided	Two-sided
Subsample	All	All	All	All
DV Range	$\{0, 1, 2\}$	$\{0, 1, 2\}$	$\{0, 1, 2\}$	$\{0, 1, 2\}$
Observations	503	503	503	503
Note:				*p<0.1; **p<0.05; ***p<0.01

Table A9: Conditional ITT effects of the dosage of treatment on procedural advancement, on the basis of previous (pretreatment) case advancement. The base category is "no previous advancement." Columns 1 and 2 the quantile measure measure of the order of treatment assignment using OLS. Columns 3 and 4 uses this quantile measure to instrument for the number days of treatment *assigned* to a detainee, regardless of compliance. Heteroskedasticity-robust standard errors in parentheses.

A11 Liberation During Intervention Period

In the main paper, we present analysis of liberation at the time of the endline survey. Here we consider if individuals had been related by the end of the intervention.

	Dependent variable:			
	Case Advancement during Intervention (Ordinal)			
	(1)	(2)	(3)	(4)
Order Quantile Among Treated	−0.021	−0.037	−0.016	−0.086
	(0.012)	(0.019)	(0.015)	(0.055)
Mean DV, Treatment = 0	0.022			
Treatment Range	[0, 1]	[0, 1]	[0, 1]	[0, 1]
Estimator	OLS	OLS	OLS	OLS
	(1)	(2)	(3)	(4)
Days in Treatment	−0.0003	−0.001	−0.0003	−0.001
	(0.0002)	(0.0003)	(0.0003)	(0.001)
Mean DV, Treatment = 0	0.024			
Estimator	2SLS	2SLS	2SLS	2SLS
Treatment Range	[1, 63]	[1, 63]	[1, 63]	[1, 63]
Quintet FE	no	yes	yes	yes
IPW	yes	no	no	no
Subsample	All	All	Jurisdiction 1	Jurisdiction 2
Hypothesis Test	Upper	Upper	Upper	Upper
DV Scale	$\{0, 1, 2\}$	$\{0, 1, 2\}$	$\{0, 1, 2\}$	$\{0, 1, 2\}$
Observations	503	503	371	132
Note:				*p<0.1; **p<0.05; ***p<0.01

Table A10: ITT effects of the dosage of treatment on liberation measured at the conclusion the 10-week intervention period. The top panel utilizes the quantile measure measure of the order of treatment assignment using OLS. The bottom panel uses this quantile measure to instrument for the number days of treatment *assigned* to a detainee, regardless of compliance. Heteroskedasticity-robust standard errors in parentheses.

A12 No Evidence of Congestion

We examine the advancement of cases within the first 15 or 30 days of treatment to test for evidence of congestion in the courts. Congestion would ostensibly mean that cases assigned to treatment later are less likely to advance within the first days of treatment than earlier cases. In the following tables, congestion of this form would be represented by a *negative* coefficient any of the three operationalizations of treatment assignment. We do not find any evidence of congestion in Table A11.

	Dependent variable:							
	Case Advancement within 15 days				Case Advancement within 30 days			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
PANEL A: QUANTILE AMONG THOSE ASSIGNED TO TREATMENT								
Order Quantile Among Assigned	−0.012	0.002	−0.004	0.017	0.026	0.027	0.031	0.017
	(0.024)	(0.030)	(0.025)	(0.083)	(0.039)	(0.040)	(0.041)	(0.094)
Mean DV, Quantile = 0	0.05				0.086			
PANEL B: BINARY ASSIGNMENT INDICATOR								
Assigned, Days 32-63	0.001	−0.010	−0.009	−0.011	−0.019	−0.025	−0.026	−0.023
	(0.019)	(0.019)	(0.014)	(0.050)	(0.027)	(0.025)	(0.022)	(0.059)
Mean DV, Treatment = 0	0.043				0.106			
PANEL C: TERNARY ASSIGNMENT INDICATOR								
Assigned, Days 23-42	0.037*	0.007	0.042**	−0.057	0.029	0.010	0.029	−0.015
	(0.025)	(0.020)	(0.017)	(0.054)	(0.034)	(0.027)	(0.031)	(0.058)
Assigned, Days 43-62	0.010	−0.006	−0.024	−0.010	−0.013	−0.028	−0.050*	−0.007
	(0.020)	(0.022)	(0.017)	(0.057)	(0.031)	(0.030)	(0.028)	(0.067)
Mean DV, Treatment = 0	0.031				0.095			
Quintet FE	no	yes	yes	yes	no	yes	yes	yes
IPW	yes	no	no	no	yes	no	no	no
Subsample	All	All	J1	J2	All	All	J1	J2
Observations	503	503	371	132	503	503	371	132
Note:								*p<0.1; **p<0.05; ***p<0.01

Table A11: Case advancement within 15 or 30 days depending on date of assignment to treatment. This test was not preregistered; all p-values are two-tailed.

A13 Cost-Benefit Analysis

We conduct a cost benefit analysis on the basis of administrative data about the costs of prolonged PTD and the benefits accruing to the Government of Haiti (GoH). Given that the program was sponsored by an aid organization, our analysis is estimated as follows:

$$\text{Net Benefits} = \underbrace{\text{Reduced Costs to House Released Detainees}}_{\text{Benefit to GoH}} - \underbrace{\text{Personnel Costs for Legal Assistance}}_{\text{Cost to Aid Organization}} \quad (7)$$

In our results, normalize the average net benefit per detainee assigned to and/or treated with legal assistance for clearer reference.

A13.1 Quantifying Personnel Costs

The lawyers were remunerated on a monthly basis at approximately the following rates (converted to USD):

- Supervisor: $850 USD
- Lawyer: $650 USD

There was one supervisor for every five lawyers. We do not consider additional administration costs involved with the larger program. In principle, a scaled up version of this program would require some additional administration costs which we do not simulate here.

One parameter in our simulation that is relevant to the personnel costs is the effort expended by legal assistants. We measure this by average caseload. In our study, the average caseload assigned to the lawyers was ≈ 28 cases.

A13.2 Quantifying Reductions in PTD

Our main results suggest that legal assistance increases the probability that individual detainees are liberated at the endline. Note that liberation–not conviction–is the main means through which legal assistance may provide savings to the government of Haiti. By reducing the number of detainees, costs for food, protection, and health care are reduced. These costs total $40 per detainee per month.

Our results are based on measures at two points in time: at baseline and endline, approximately 38 weeks later. In order to quantify the amount of time in terms of reduced detention, we make assumptions about the data generating process (DGP) underlying the observed data. Figure A16 presents the two DGPs that we utilize in this analysis. We back out the parameters of both DGPs from the estimated treatment effects (ITTs, CACEs, and LATEs) presented in the main paper. In this graph, the purple area corresponds to the reduction in detainee-weeks in prison. We calculate this reduction by integrating over the time variable (weeks), as derived below.

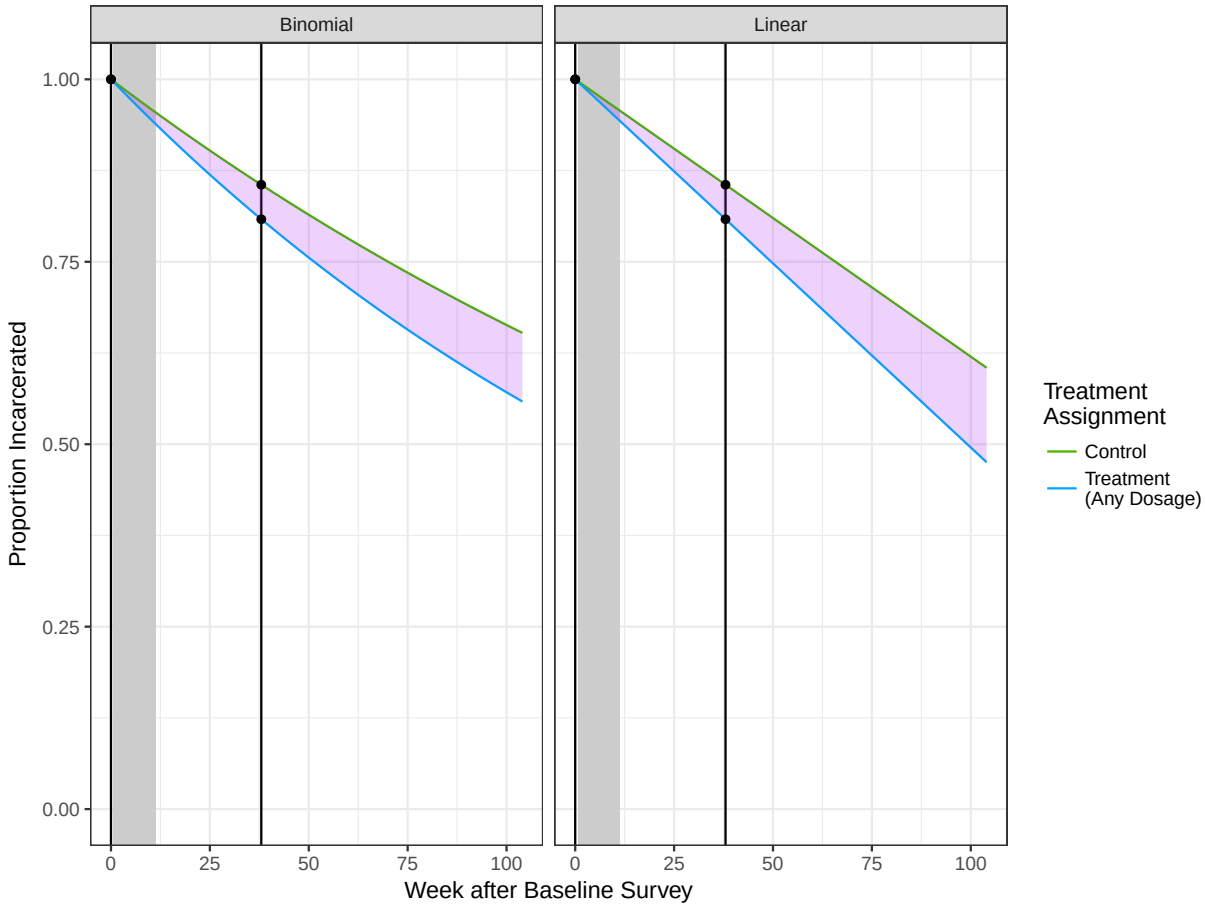

Figure A16: These graphs depict the two data generating processes we use in the cost-benefit simulations. The left panel corresponds to a binomial DGP and the right panel corresponds to a linear DGP. The grey rectangle corresponds to the treatment period. The three points correspond to the measurements taken during the baseline and endline "censuses," from which we back out parameters of the DGP. The purple area indicates the proportion of detainees liberated in the group assigned to treatment that would not have been liberated if assigned to control. These graphs correspond to the data in the ITT analysis with a binary treatment assignment.

A13.2.1 Binomial Data Generating Process

Among the detainees present in the first "census" at baseline, we know the proportion of detainees that have been liberated by the endline "census." We assume that each detainee has a baseline probability of release in each week. The effect of treatment serves to augment this probability. The proportion of detainees that were present in the baseline and still detained at the endline can thus be modeled as:

$$(1-p)^w = s \tag{8}$$

where p is the probability of release from detention in a given week and $w = 38$ is the number of weeks between baseline and endline "censuses." We can solve for p as follows:

$$p = 1 - s^{\frac{1}{w}} \tag{9}$$

Since we observe s for individuals assigned to treatment (any dosage) or control, we can calculate p_C and p_T for each s. The difference in weeks spent in detention through week K is thus:

$$\int_0^K (1-p_C)^w - (1-p_t)^w dw = \frac{-1+(-1+p_C)^w}{\log(1-p_C)} - \frac{-1+(-1+p_T)^w}{\log(1-p_T)} \tag{10}$$

A13.2.2 Linear Data Generating Process

In this section we adopt a simpler assumption that the probability, s, that a detainee remains detained in a given week w can be represented by the function:

$$s = 1 - bw \tag{11}$$

Given the measurement in week 38, it is trivial to back out a b_T and b_C from the observed probability that detainees assigned to treatment (resp. control) were incarcerated at the endline. The difference in weeks spent in detention through week K can therefore be calculated as follows:

$$\int_0^K 1 - b_C w - (1 - b_T w) dw = \frac{K^2(b_T - b_C)}{2} \tag{12}$$

A13.3 Simulation Based on ITT, CACE estimates

Given that the parameters described above, p_T, p_C, b_T, and b_C derived from estimates ($\hat{s}_C$ and $\hat{s}_T$), we draw a sample of 2,000 estimates from the multivariate (normal) distribution of the estimated coefficients. From these estimates, we calculate the (average) difference in proportion incarcerated using Equations 10 and 12 with different values of K (different levels of extrapolation). We record five quantities, $\mathbf{q}$: mean, interquartile range, and the tenth and ninetieth percentiles of the resultant simulations.

We select an population of detainees, $N = 1000$ to scale the costs (though we normalize later as to render this moot). The cost savings from liberation of detainees at the five quantities described above are simply:

$$\underbrace{\mathbf{q}}_{\Delta \text{ in Proportion Incarcerated}} \times \underbrace{1000}_{N} \times \underbrace{\$40\frac{52}{12}}_{\text{Weekly savings}} \tag{13}$$

We then calculate the number of lawyers that would work for 2.5 months (10 weeks) to serve the 1,000 hypothetical detainees. Assuming equal proportions of detainees received $1, 2, ..., 10$ weeks of treatment (roughly consistent with our data), the treatment rendered is equivalent to treating 550 detainees for 10 weeks each. We calculate the costs as follows:

$$\underbrace{\frac{550}{\text{Caseload}}}_{\text{Number of Lawyers}} / \underbrace{6}_{\text{Lawyers per "Team"}} \times \underbrace{850 + 5(650)}_{\text{Team's Monthly Wages}} \times \underbrace{2.5}_{\text{Months}} \tag{14}$$

The difference between Equations and is the net benefit to the Government of Haiti. We divide by N, the population size, to scale the net benefits per detainee.

We vary several parameters as indicated in Table A12 below:

Variation	Meaning	Simulated Values	Rationale
K	Time horizon over which benefits are measured	$K \in \{38, 52, 78, 104\}$	We vary the amount of temporal extrapolation
Estimator	We vary the estimator from upon which we estimate $\hat{p}_T, \hat{p}_C, \hat{b}_C$, and $\hat{b}_T$.	ITT, CACE	The sample upon which benefits calculation is based: a random sample of ex-ante eligible detainees vs. the principle stratum of compliers.
Sample	We look at the cost-benefit analysis within the whole sample as well as in prisons 1 and 3 as in the analysis in the paper.	Subsample $\in$ $\{P1\&P3$, $P1, P3\}$	We estimate net benefits under different institutional arrangements.
Caseload	We vary the caseload (effort) exerted by the lawyers	Caseload $\in \{10, 25, 40\}$	If a public defender's office were to implemented, effort/efficiency is a key concern.

Table A12: Variation utilized in the simulated cost-benefit analysis

A13.4 Results

The results from the binomial simulation are reported in Figure A17. Here, we utilize the binomial DGP. The parameters of the data generating process come from estimates of the ITT and CACE. As such they pertain to two different populations. The ITT estimates (left column) correspond to the efficacy of legal assistance with a random sample of detainees, some of whom may be ineligible or otherwise unable to "receive" legal assistance. The CACE estimates correspond to the benefits accrued by the principle stratum of compliers in the experiment. We argue that this stratum best approximates the recipients of legal assistance outside the RCT framework. On the horizontal facets, we vary the effort of lawyers–the observed effort of 28 falls somewhere between the second and third rows. The x-axis gives the week at which the measurement is made (the degree of extrapolation from endline data).

This analysis suggests that legal assistance–even in varied and modest dosages as in our experiment–is quite inexpensive to provide. Across the two prisons for which we estimate the ITT and CACE, the net cost of the legal assistance (per detainee) after 38 weeks was only \$24.71 per detainee (ITT) or \$21.07 per detainee (CACE). Extrapolating several months from the endline, legal assistance becomes cost effective: the benefits accrued by lower levels of detention outweigh the personnel costs of the legal assistance. In Prison 3 where treatment effects were larger, legal assistance becomes cost effective by week 44. Further analysis based on the LATE estimates above suggests that providing 5 weeks of legal assistance can be cost effective within one year.

Figure A18 reports very similar results from the linear DGP.

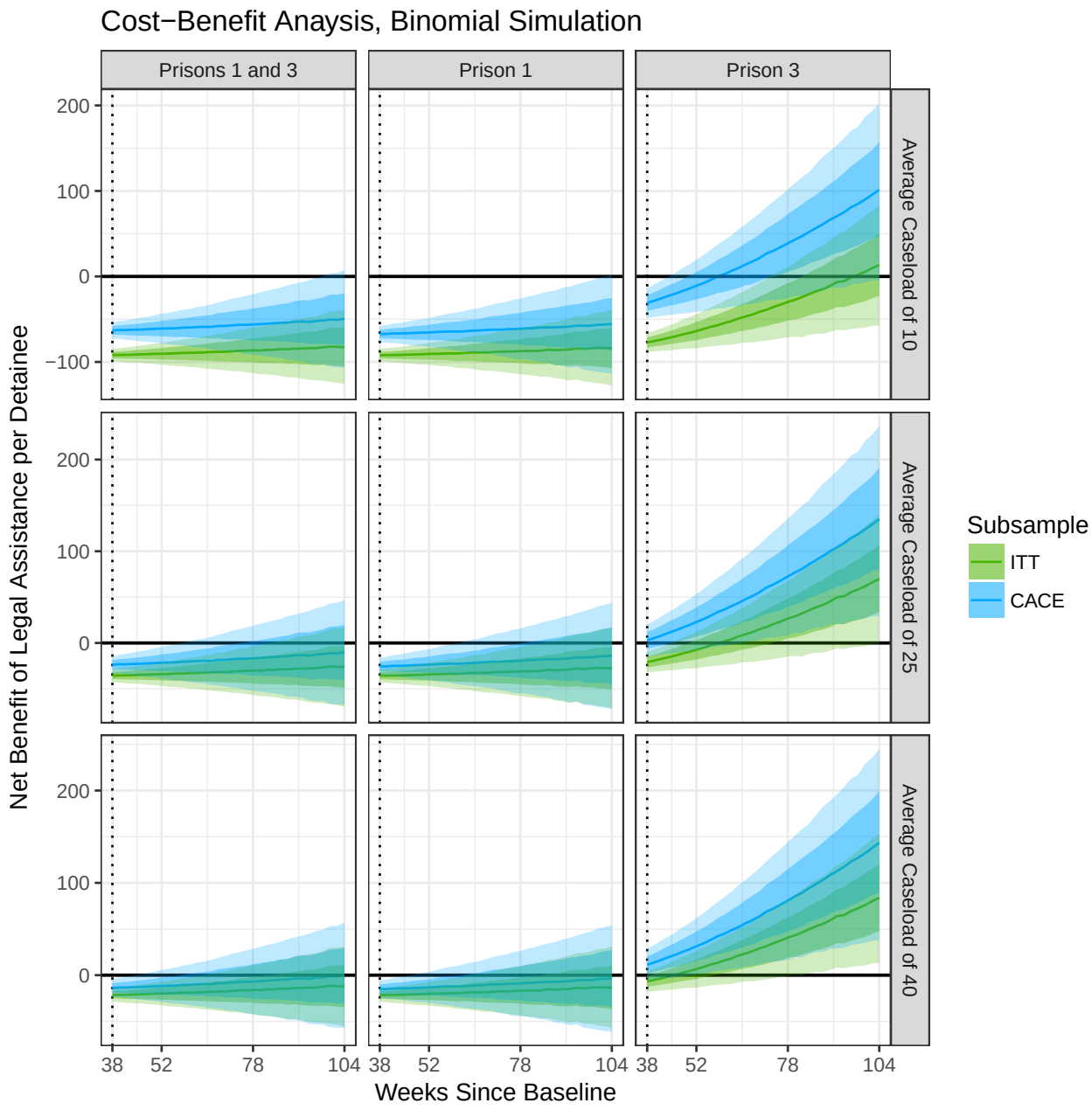

Figure A17: These graphs depict the net benefits (per detainee) utilizing the binomial DGP detailed in the Appendix. Points represent the mean estimate across 10,000 simulations while the bold segments indicate the IQR and the thin segments indicate the tenth and ninetieth percentiles. The x-axis varies the week at which the benefits are calculated (the degree of extrapolation); the row facets correspond to the average caseload or effort of lawyers; and the column facets indicate the population to which the benefits are calculated.

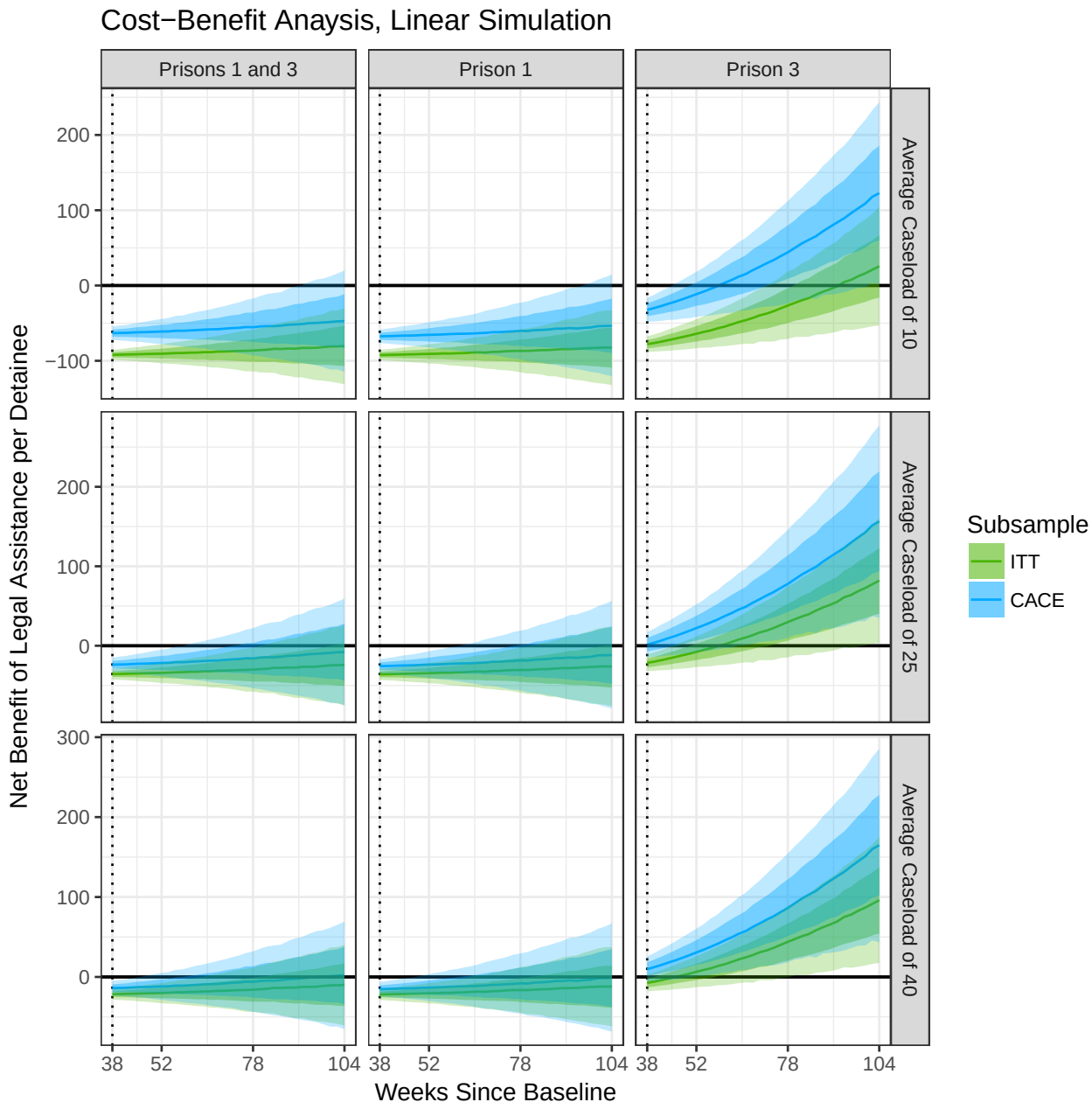

Figure A18: These graphs depict the net benefits (per detainee) utilizing the linear DGP detailed above. Points represent the mean estimate across 2,000 simulations while the bold segments indicate the IQR and the thin segments indicate the tenth and ninetieth percentiles.

A14 Human Rights Country Reports and Categorical Human Rights Values for Haiti

In this section we provide relevant passages from three different human rights country reports that consider human rights abuses within Haiti in 2016. Evidence from these reports helps us to corroborate the inferences about the objective's of the Haitian government drawn from the 88 interviews and detailed case files and survey information during our field work in Haiti.

Overall, none of the three reports find any evidence that prisoners or detainees are held for political reasons. Amnesty International provides no discussion of the prisons or detainees. The Human Rights Watch report provides one passage about the prison conditions. In contrast to these two reports, the State Department report is the most extensive on the subject of prison conditions and the treatment of detainees. Much of the information contained in the State Department report focuses on the conditions and treatment of individuals who enter the judicial system. Most allegations of ill-treatment is based on accounts of arbitrary punishment that occurs within prisons or by members of the Haitian National Police (HNP) when making arrests. There are some allegations that arrests are arbitrary in an effort to illicit payments from individuals. Overall though, the report contains no allegations of the deliberate use of the prison system to isolate or punish political opponents

A14.1 Amnesty International Report for Haiti 2016/2017

The Amnesty International Report provides no discussion of prisoners or the prison conditions within Haiti for the 2016 calendar year (Amnesty International, 2017). There were no reports of political prisoners held in detention in this year.

A14.2 Human Rights Watch Report for Haiti 2016

The following passages are quoted directly from the Human Rights Watch Report 2016 Haiti human rights report (Human Rights Watch, 2018), which reports on the human rights conditions in Haiti in the 2016 calendar year. There were no reports of political prisoners held in detention in this year.

Criminal Justice System

> Haiti's prison system remained severely overcrowded, with many inmates living in inhumane conditions. In 2016, the United Nations estimated that nearly all inmates in Haiti's national prison system have access to less than one square meter of space and most are confined for 23 hours a day. According to the UN, overcrowding is largely attributable to high numbers of arbitrary arrests and the country's large number of pretrial detainees. In May 2017, Haitian prisons housed more than 10,000 detainees, 71 percent of whom were awaiting trial."

A14.3 US Department of State Report for Haiti 2016: Section 1. Respect for the Integrity of the Person, Including Freedom from: (pg.2-12)

The following passages are quoted directly from the US Department of State Report for Haiti 2016 (United States Department of State, 2017), which reports on the human rights conditions in Haiti in the 2016 calendar year. We have selected the primary introductory passage for each human rights subsection of the report. Additional detail and examples are available in the original document. Most of the text is focused on prison conditions and the treatment of individuals once detained in prison.

Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings (pg.2)

There were isolated allegations of police and other government officials' involvement in arbitrary or unlawful killings. Some of these resulted in arrests, but there were no convictions.

. . .

Disappearance (pg.2)

There were no reports of politically motivated disappearances.

. . .

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (pg.2-3)

The law prohibits such practices; however, there were several reports from international and domestic nongovernmental organizations (NGOs) that members of the HNP allegedly beat or otherwise abused detainees and suspects. Prisoners at times were subject to degrading treatment, in large part due to overcrowded facilities. Several reports noted corrections officers used physical punishment and psychological abuse to mistreat prisoners.

. . .

Prison and Detention Center Conditions (pg.3-6)

Prisons and detention centers throughout the country remained overcrowded, poorly maintained, and unsanitary.

Physical Conditions: Prison and detention center overcrowding was severe, especially in the National Penitentiary; the Petionville women's prison; the PetitGoave jail; and the prisons in Jeremie, Les Cayes, Port de Paix, and Hinche. The prison in Croix des Bouquets and the new prisons in Cabaret and Fort Liberte conformed to international norms and were not overcrowded. Others, including the detention facilities in Port-au-Prince, Cap Haitien, Mirabalais, Jacmel, Hinche, Les Cayes, Anse-a-Veau, and Port de Paix, exceeded the UN's prescribed capacity of 27 square feet per inmate. In some prisons detainees slept in shifts due to lack of space. Some prisons had no beds for detainees, and some cells had no access to sunlight. In others the cells often were open to the elements and lacked adequate ventilation. Many prison facilities lacked basic services such as plumbing, sanitation, waste disposal, medical services, potable water, electricity, adequate ventilation, lighting, and isolation units for contagious patients. Some prison officials used chlorine to sanitize drinking water, but in general, prisoners in older prisons did not have access to treated drinking water.

International observers indicated prisoners and detainees continued to suffer from a lack of basic hygiene, malnutrition, poor quality health care, and water-borne illness. An estimated 10 percent of the prison population suffered from malnutrition and severe anemia, while sanitation-related diseases, including scabies, diarrhea, and oral infections, were commonplace. In several prisons the Department of Corrections (DAP) and the International Committee of the Red Cross provided personal hygiene kits; in many other facilities, inmates' families provided the kits. Because of the poor security, severe understaffing, and conditions of some detention centers, some prisons did not allow prisoners out of their cells for exercise, and many prisoners spent 23 hours a day in confinement.

Many detention facilities did not contain clinics for treatment of illnesses and diseases contracted while in custody. Few prisons had the resources to treat serious medical situations. At

intake, the prevalence rate of HIV among the prison population was 64 percent higher than the prevalence rate nationally. The intake prevalence rate for tuberculosis was more than 12 times higher than the national rate. The programs of several NGOs, international organizations, and donor countries, however, continued to reduce the incidence of these diseases in the prison population.

Prison conditions generally varied by inmate gender. Female inmates in coed prisons received proportionately more space in their cells than their male counterparts. Female prisoners also experienced a better quality of life than did their male counterparts due to their smaller numbers.

The DAP estimated there were 11,600 prisoners in the country's prisons as of June. In addition the DAP held some prisoners in makeshift and unofficial detention centers, such as police stations in Petit-Goave, Miragoane, Gonaives, some parts of Port-au-Prince, and other locations. Local authorities held suspects in makeshift facilities, sometimes for extended periods, without registering them with the DAP.

Corrections authorities in Port-au-Prince maintained separate penitentiaries for adult men, women, and minors. In Port-au-Prince all male prisoners under 18 years of age were to be held at the juvenile facility at Delmas 33, but due to the lack of sufficient documentation, authorities could not always verify the ages of detainees. At times authorities detained minors believed to be older, and whose ages they could not confirm, with adult inmates. Authorities moved the vast majority of these minors to juvenile detention centers within two months of verifying their ages. Outside Port-au-Prince minors and adults often occupied the same cells due to lack of available space. The new women's prison in Cabaret had the capacity to hold 300 detainees, and in October it held 254 prisoners, including 17 minors. Due to lack of space, resources, and oversight outside the capital, authorities often did not segregate juveniles from adult prisoners or convicted prisoners from pretrial detainees, as the law requires.

Prisoners' access to adequate nutrition remained a problem. The HNP has contractual and fiscal responsibility for the delivery of food to prisons. According to a UN report, changes in the contracted food suppliers and delays in fund disbursement reduced the number of meals fed to prisoners. Some prisons had kitchen facilities and employed persons to prepare and distribute food. Prison authorities generally provided prisoners with one or two meals a day, consisting of broth with flour dumplings and potatoes, rice and beans, or porridge. None of the regular meals served to prisoners provided sufficient calories, according to medical standards. Authorities allowed prisoners regular deliveries of food from relatives and friends. Human rights groups reported that families sometimes paid prison staff to deliver supplemental meals and clothing to prisoners.

The HNP also managed other service contracts at prisons, such as sewage treatment. Most prisons had insufficient sewage facilities for their populations. Since only one HNP central office handled all contracts for law enforcement and prisons, attention to sewage problems often was lacking.

Administration: The government did not keep adequate prison records. The effectiveness of a 2009 database created by the UN Development Program (UNDP) and the government was limited because the UNDP system was not completely compatible with the internal recordkeeping system. Prisons utilized only handwritten paper files to document and manage inmates. There was no alternative sentencing for nonviolent offenders.

There was no prison ombudsman to handle complaints; however, the country's independent human rights monitoring body, the Office of the Citizen Protector (OPC), maintained a presence at several prison facilities and advocated for the rights and better conditions of prisoners, especially juveniles in preventive detention, and investigated credible allegations of inhuman conditions. The OPC regularly visited prisons and detention facilities in the country's 18 jurisdictions and worked closely with NGOs and civil society groups.

Independent Monitoring: The DAP permitted the International Committee of the Red Cross, MINUSTAH, local human rights NGOs, and other organizations to freely monitor prison conditions. These institutions and organizations investigated allegations of abuse and mistreatment of prisoners, resulting several times in the improvement of their situations.

Improvements: The Ministry of Justice and Public Security, with assistance from international partners, opened two new prisons that conformed to international norms. In January a new women's prison opened in Cabaret with a design capacity of 300 inmates. It is equipped with classrooms, detention cells with toilets, a health clinic, and a solar power system. The new prison in Ft. Liberte was inaugurated in August. It had the capacity to hold 600 detainees and had its own clean drinking water supply system and a solar power system.

Arbitrary Arrest or Detention (pg.6-7)

The law prohibits arbitrary arrest and detention, and the constitution stipulates that authorities may arrest a person only if apprehended during the commission of a crime or based on a warrant issued by a competent official such as a justice of the peace or magistrate. Authorities must bring the detainee before a judge within 48 hours of arrest. By routinely holding prisoners in pretrial detention, authorities often failed to comply with these provisions.

The law requires that authorities refer to the HNP's OIG all cases involving allegations of police criminal misconduct. Senior police officials acknowledged receipt of several complaints alleging abuses committed by officers during the year but noted that financial, staffing, and training limitations prevented the institution from readily addressing all reports of such misconduct.

Role of the Police and Security Apparatus (7-8)

The HNP is an autonomous civilian institution under the authority of a single director general and includes police, corrections, fire, emergency response, airport security, port security, and coast guard functions. HNP capabilities and professionalism continued to improve, resulting in a sustained reduction in kidnappings.

The HNP took steps toward imposing systematic discipline on officers found to have committed abuses or fraud, but civil society continued to allege widespread impunity. The HNP held monthly press conferences that served as awareness campaigns to inform the public of their roles and responsibilities and provided an opportunity to report on cases of misconduct. The OIG maintained a 24-hour hotline to receive public reports of police corruption or misconduct. As of August the OIG for the HNP had recommended 27 officers for dismissal, compared with 41 such recommendations by the OIG in 2015. The most common reasons for the recommendation of dismissal were homicide, corruption, and drug trafficking. A lack of well-trained internal investigators in the HNP slowed case investigations and impeded final resolutions.

The Ministry of Justice and Public Security, through its minister and the secretary of state for public security, provides oversight to the HNP.

The HNP Sexual and Gender-Based Violence (SGBV) unit remained underresourced and understaffed. The unit had two satellite offices at Fort National and Delmas 33. The HNP assigned officers who received SGBV training to serve as regional SGBV representatives in all 10 departments. These officers had minimal links to the SGBV unit in Port-au-Prince.

MINUSTAH has operated since 2004 with a mandate to assist and advise the government on security-related matters. As of November MINUSTAH consisted of 4,577 uniformed personnel (2,338 troops and 2,239 police). MINUSTAH retained responsibility for patrolling the remaining 31 camps for IDPs. In October the UN Security Council renewed MINUSTAH's mandate for six months at existing force levels.

Foreign governments and other entities continued to provide a wide variety of training and other types of assistance to improve police professionalism, including increasing respect for human rights. The police continued to expand its outreach to and relations with local populations in Port-au-Prince by supporting the community policing unit, which had 106 officers. The unit aimed to implement policing strategies oriented toward crime reduction and foster positive police-populace communication over aggressive interdiction.

Arrest Procedures and Treatment of Detainees (pg.8-9)

The law permits police officers to make arrests with a court-authorized warrant, or when they apprehend a suspect during the commission of a crime.

Authorities generally allowed detainees access to family members after arrest. While authorities generally acknowledged the right to counsel, most detainees could not afford a private attorney. Some departmental bar associations and legal assistance groups provided free counsel to indigents. Some NGO attorneys also provided free services to the indigent. The criminal procedure code does not allow for a functional bail system.

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Arbitrary Arrest: Independent reporting confirmed instances in which, contrary to law, police without warrants or with improperly prepared warrants apprehended persons not actively committing crimes. Authorities frequently detained individuals on unspecified charges. Persons arrested reported credible instances of extortion, false charges, illegal detention, physical violence by HNP personnel, and judiciary officials' refusal to comply with basic due process requirements. The judicial system rarely observed the constitutional mandate to bring detainees before a judge within 48 hours. In some cases detainees spent years in detention without appearing before a judge.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. Prison population statistics did not include the large number of persons held in police stations around the country for longer than the 48-hour maximum initial detention period. Of the approximately 11,600 prison inmates, authorities held an estimated 8,300 (or 72 percent) in pretrial detention. Approximately 71 percent of adult male prisoners and 82 percent of adult female prisoners were in pretrial detention, while 84 percent of male minors and 91 percent of female minors were pretrial detainees. Pretrial detention was significantly more prevalent in Port-auPrince–48 percent

of pretrial detainees nationally are in Port-au-Prince. As of June authorities had yet to try an estimated 88 percent of Port-au-Prince's inmates.

Many pretrial detainees had never consulted with an attorney, appeared before a judge, or been given a docket timeline. While statements from prison wardens suggested that the majority of detainees spent between two and five years in pretrial detention, reports indicated that time spent in pretrial detention was much lower and varied by geographic jurisdiction.

Between January and March, 100 percent of the 92 detainees held in the Petionville police station had surpassed the legal limit of 48 hours in detention without seeing a judge. After the government and international partners introduced a pilot program to improve procedures and oversight, that number was reduced to 7 percent between the months of March and August.

In May and June, the chief prosecutor for Port-au-Prince released 763 persons– nearly 9 percent of the country's total pretrial detainee population.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: A habeas corpus law passed in 2009 was never published by a president and therefore is not legally in effect. The OPC's national and 12 regional offices worked on behalf of citizens to verify that law enforcement and judicial authorities respected the right to due process. When authorities detained persons beyond the maximum allotted 48 hours, the OPC must intervene on their behalf to expedite the process. The OPC did not have the resources to intervene in all cases of arbitrary detention.

Denial of Fair Public Trial (pg.9-10)

The law provides for an independent judiciary, but senior officials in the executive and legislative branches exerted significant influence on the judicial branch and law enforcement. MINUSTAH and international and local NGOs repeatedly criticized the government for attempting to influence judicial officials. Judges assigned to politically sensitive cases complained about interference from the executive branch. With a weakened transitional government, however, local NGOs reported that influence from the executive branch decreased during the year.

Internal political divisions as well as organizational, funding, and logistical problems often hampered the efficient functioning of the Supreme Council of the Judiciary (CSPJ). The CSPJ is charged with independently overseeing judicial appointments, the discipline of judges, ethics issues, and management of the judiciary's financial resources. Half of the CSPJ membership positions were vacant as of December.

Pervasive and longstanding problems, primarily stemming from a lack of judicial oversight and professionalism, contributed to a large backlog of criminal cases. Judiciary personnel were paid haphazardly, with arrears often running into months, and worked in facilities that often lacked basic supplies. The failure to appoint or reappoint judges at the expiration of their terms further slowed the functioning of the judiciary.

The code of criminal procedure does not clearly assign criminal investigation responsibility, which it divides among police, justices of the peace, prosecutors, and investigating magistrates. As a result authorities often failed to question witnesses, complete investigations, compile complete case files, or conduct autopsies. While the law provides magistrates two months to request additional information from investigators, authorities were not supposed to invoke this delay

more than twice for a given case. Magistrates often did not follow this requirement, and investigative judges frequently dropped cases or did not return them within the two-month limit. This resulted in extended pretrial detention for numerous detainees.

By law each of the country's 18 jurisdictions should twice per year convene a jury for trials involving major violent crimes. Many jurisdictions, however, convened only one jury per year because they lacked the resources to pay for them.

Corruption and a lack of judicial oversight also severely hampered the judiciary. Human rights organizations reported that several judicial officials, including judges and court clerks, arbitrarily charged fees to initiate criminal prosecutions, and that judges and prosecutors failed to respond to those who could not afford to pay. There were widespread, credible allegations of unqualified and unprofessional judges who received appointments as political favors. There were also persistent accusations that court deans, who are responsible for assigning cases to judges for investigation and review, at times assigned politically sensitive cases to judges with close ties to figures in the executive and legislative branches. Some human rights groups reported an improvement during the year due to the change in government and uncertainty and weakness in the power of the executive branch. Furthermore, the CSPJ was not effective in providing judicial accountability and transparency. Many judicial officials also held full-time occupations outside the courts, although the constitution bars judges from holding any other type of employment except teaching.

Trial Procedures (pg.10-11)

The judiciary follows a civil law system based on the Napoleonic Code that has remained largely unchanged since 1835. The constitution denies police and judicial authorities the right to interrogate suspects unless legal counsel or a representative of the suspect's choice is present or the suspect waives this right. Authorities, however, widely ignored certain constitutionally provided trial and due process rights.

The constitution provides defendants a presumption of innocence, as well as the right to attend trial, confront hostile witnesses, and call witnesses and evidence on their own behalf. Judges often denied these rights. The perception of widespread impunity also discouraged some witnesses from testifying at trials. Defendants and their attorneys had access to government-held evidence before trial, and defendants had the right of appeal. Defendants have the right to communicate with an attorney of their choice; however, legal aid programs were limited, and those who could not pay for attorneys were not always provided one free of charge. Free interpretation is not provided for defendants. As the majority of legal proceedings are conducted in French, and the most commonly spoken language is Haitian Creole, defendants were often unable to understand the proceedings.

The functioning of justice of peace courts (tribunaux de paix), the lowest courts in the judicial system, was inadequate. Judges presided in chamber based on their personal availability and often maintained separate, full-time jobs. Law enforcement personnel rarely maintained order during court proceedings, and frequently there was no court reporter. Bribes were often the principal factor in a judge's decision to hear a case.

In multiple communities, especially in rural areas, appointed communal administrators (CASECs) took the place of state judges and asserted powers of arrest, detention, and issuance of legal judgments. Some CASECs turned their offices into courtrooms. The most recent elections for

CASECs took place in 2011. The next round of CASEC elections is scheduled for January 2017.

Political Prisoners and Detainees (pg.11)

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies (pg.11-12)

Victims of alleged human rights abuses were legally able to bring their cases before a judge. Courts could award damages for human rights abuse claims brought in civil forums, but seeking such remedies was difficult and rarely successful.

Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission of Human Rights, which in turn may submit the case to the InterAmerican Court of Human Rights. The court can order civil remedies, including fair compensation to the individual injured.

Property Restitution (pg.12)

There were several highly publicized reports that the government failed to provide proportionate and timely restitution or compensation for governmental confiscation of private property.

. . .

Supplementary Appendix: References

Amnesty International. 2017. Haiti 2016/2017 Human Rights Report. Technical report Amnesty International.
URL: *https://www.hrw.org/world-report/2018/country-chapters/haiti*

Holmstrom, Bengt, and Paul Milgrom. 1991. "Multitask Principal-Agent Analyses: Incentive Contracts, Asset Ownership, and Job Design." *Journal of Law, Economics, and Organization* 7 (Special Issue): 1991.

Human Rights Watch. 2018. Haiti 2017 Human Rights Report. Technical report Human Rights Report.
URL: *https://www.hrw.org/world-report/2018/country-chapters/haiti*

Institute for Criminal Policy Research. 2017. World Prison Brief. Technical report Institute for Criminal Policy Research.

United States Department of State. 2017. Haiti 2016 Human Rights Report. Technical report United States Department of State.