

# PENITENTIARY ADMINISTRATION AND PERFORMANCE INDICATORS: A SYSTEMATIC REVIEW OF THE LITERATURE

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### **SUMMARY**

Although Brazil has, in 2015, actively participated in the UN for the formulation and approval of the Minimum Rules for the Treatment of Prisoners, which was called the Mandela Rules (in honor of the South African leader who remained imprisoned for 27 years imprisoned in the struggle against apartheid), the country still has notable difficulties to face in its chaotic Prison System, that the Federal Supreme Court has already declared itself to be in an Unconstitutional State of Affairs, given the constant violation of the human rights of prisoners. Thus, considering the maxim that "you cannot manage what you do not measure, you do not measure what you do not define, you cannot define what you do not understand and there is no success in what you do not manage", (DEMING, 1992) the use of performance indicators for the prison reality, mainly as an instrument of inspection, arises as an interesting research opportunity. if not the maximum of this universe, at least the minimum that is materialized in the Mandela Rules. The present Systematic Review of Literature, therefore, proposed to survey relevant studies on the subject, and after the analysis, a possible academic gap was discovered to be filled by future studies. Also, considering the difficulty encountered in generating initial search strategies (strings) in the Parsif.al environment, whose steps were followed in the review, a Microsoft Excel spreadsheet was also prepared, aiming to facilitate the work of researchers in future Systematic Literature Reviews.

**Keywords:** Systematic Literature Review. Minimum Rules for the Treatment of Prisoners. Mandela rules. Performance Indicators.

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### INTRODUCTION

It is noted that Human Rights have gained space and relevance today, whether in the **global scenario**, that is, in the discussions of measures and solutions to be implemented by Sovereign States, through multilateral agreements in International Organizations for the effectiveness of these guarantees, as well as in the **domestic** sphere, considering the growing incorporation of International Treaties in the body of the country's legal system, often even due to the phenomenon of constitutionalization. (PIOVESAN; GARCIA, 2011)

Much of this attention is focused on the Prison System of countries, since this constitutes one of the main stages of Human Rights violations, perhaps because society, in general, tends to see the condemnation and execution of the sentence only in a retributive way, as a punishment, forgetting that, behind the stigma of criminal, there is a person who, One day, he will end up returning to the social bosom, with conduct that will probably reflect all the violence and neglect he suffered within the walls (RANGEL, 2014).

The United Nations, after the atrocities of World War II committed by the Nazis against Jewish prisoners, established, in 1955, an essential regulation for the treatment of prisoners, which served for approximately six decades as a basic guideline for States in the formulation of their penitentiary policies.

However, considering the international advancement of Human Rights doctrines in this interregnum, the need arose to review the aforementioned regulation, which is why the United Nations, specifically the Commission on Crime Prevention and Criminal Justice (CCPCJ), on May 22, 2015, presented a new set of Minimum Rules for the Treatment of Prisoners.

This new normative framework was eventually adopted unanimously at the General Assembly on December 17, 2015, resulting in Resolution 70/175, published on January 8, 2016, in which it was agreed to call the statute the Mandela Rules "to honor the legacy of the late President of South Africa, Nelson Rolihlahla Mandela, who spent 27 years in prison during his fight for global human rights, equality, democracy and the promotion of a culture of peace." (UNITED NATIONS, 2016)

Although the Brazilian Government has actively participated in the negotiations for the creation of the Mandela Rules in 2015, as well as for its approval in the United Nations General Assembly, the fact is that this norm is not yet effectively disseminated in public policies in the country, pointing to how much the appreciation of international human rights standards needs greater promotion (BRAZIL; NATIONAL COUNCIL OF JUSTICE - CNJ, 2016).



By the way, the Federal Supreme Court (STF), in the judgment of the Allegation of Non-Compliance with a Fundamental Precept No. 347, considered that the situation of the National Prison System, due to the omission of the Public Power, is in an "Unconstitutional State of Affairs", given the "massive violation of fundamental rights" of prisoners and, for no other reason, since Brazil began to recognize the competence of the Inter-American Court of Human Rights to judge this type of deviation, the country has been the target of several questions and precautionary measures in the aforementioned International Court. (MONTENEGRO, 2020)

In the search for the reasons for the bankruptcy and chaos of the Brazilian Penitentiary System and considering the old maxim that "you cannot manage what you do not measure, you do not measure what you do not define, you do not define what you do not understand and there is no success in what you do not manage", (DEMING, 1992) an interesting issue that arises to be studied is the use of performance indicators for the prison reality, mainly as an instrument of inspection, if not of the maximum of this universe, at least of the minimum that is materialized in the Mandela Rules.

However, they recall that today's research does not start from scratch, not even exploratory research. They highlight that, in the face of some unknown concrete situation, some other research, somewhere, must have already been carried out by other people or groups, even if on complementary aspects of the intended research. Thus, they ponder that: (MARCONI; LAKATOS, 2022) "A search for such sources, documentary or bibliographical, becomes essential for the non-duplication of efforts, the non-'discovery' of ideas already expressed, the non-inclusion of commonplaces in the work".

This is, therefore, what is proposed with this Systematic Review of Literature, that is: to investigate, mainly through analysis and synthesis of relevant research, what has already been studied on this theme that relates performance indicators (popularly known as Key Performance Indicators – KPI – or Objective Key Results – OKR) to prison establishments, to contribute as a starting point for other more specific or deepening of any existing ones.

Judging, however, by an article recently published by the official press, entitled (NATIONAL SECRETARIAT OF PENAL POLICIES; FEDERAL GOVERNMENT, 2022) "Depen publishes preliminary report of unpublished study on criminal recidivism in Brazil", in advance, one can see the possibility that there is a large gap in studies of this type in the country, since avoiding recidivism is one of the main purposes of punishment (Mandela



Rule n. 4, item 1),<sup>2</sup> and not even this indicator, as suggested by the broadcast, seems to be properly monitored.

Therefore, based on these facts, the following are the research questions being addressed in this Review:

- 1. Question 1 Does the study highlight the importance of using performance indicators for management in general?
- 2. Question 2 Does the study bring any performance indicator applicable to the prison reality?
- 3. Question 3 Is it possible to use this performance indicator specifically for monitoring the Mandela Rules?

In general, as mentioned, it is hoped that the study will provide readers with a broadening of their understanding of the current developments in the Prison System, providing them, by synthesizing the existing literature on the subject, with an easier starting point or deepening for researchers who, knowing the theoretical lenses and determinants addressed in such scientific publications, can conduct comprehensive empirical investigations aimed at verifying compliance with the Mandela Rules in the country's Prisons, guiding the correction of any existing deficiencies in them with the elaboration of more appropriate public policy recommendations.

In addition to the academic usefulness for researchers, especially in the areas of administration and law, it is also expected that prison managers can use the present study to become aware of the need for inspection, through constant analysis of reliable performance indicators, of the units under their administration, to increase their efficiency.

# **METHODOLOGICAL PROCEDURES**

The systematic literature review was carried out following the model proposed in the virtual environment Parsifal (2021), which consists of steps for selecting research questions, identifying databases and article sources, choosing search terms, applying practical and methodological screening criteria, reviewing, and synthesizing results. The indexed databases SCOPUS (Elsevier) and SciELO Citation Index (Web of Science) were used.

<sup>&</sup>lt;sup>2</sup> "The objectives of an incarceration sentence or similar measure restricting liberty are, primarily, to protect society against crime and to reduce recidivism. Such purposes can only be achieved if the period of incarceration is used to ensure, as far as possible, the reintegration of such individuals into society after their release, so that they can lead a self-sufficient life, with respect to the law."



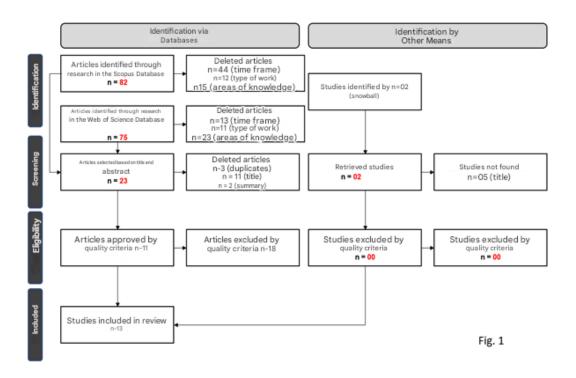
The search covered the period from 2015 to 2023 and was limited to academic articles published in English and Portuguese. The search terms were applied to the abstracts, keywords and titles, and only the articles of journals were considered.

The search strategy used was: ("Correctional facility" OR "Jail" OR "Penitentiary" OR "Prison") AND ("Administration" OR "Management") AND ("Data" OR "Indicator" OR "Public Data" OR "Statistic") AND ("Dashboard" OR "Efficiency" OR "KPI" OR "OKR" OR "Performance").

Initially, 157 articles were found, however, after applying the eligibility and quality criteria, only 13 articles remained. Figure 1 shows all the stages of evaluation of the articles, as well as the quantities excluded in each of them.

The restrictive area filters that were applied in **Scopus** were: "Social Sciences, Computer Science, Arts and Humanities, Decision Sciences, Business, Management and Accounting, Economics, Econometrics and Finance, Multidisciplinary". While in **the SciELO Citation Index (Web of Science)** were: "Criminology Penology, Management, Economics, Business, Law, Operations Research Management Science, Social Sciences
Interdisciplinary, Computer Science Information Systems, Multidisciplinary Sciences, Public Administration, Statistics Probability"

In addition, the references of the selected articles were manually reviewed, using the method known as snowball, to identify other relevant publications in the process, obtaining two publications that, despite being outside the time frame, were kept in the research, given their respective importance.





### **RESULTS AND DISCUSSION**

In this chapter, the results extracted from the articles that went through selection, classification and qualification will be presented.

### **PORTFOLIO**

After the classification of the articles, the amount was submitted to qualification, which has as its main objective to elect which works can answer important questions related to the research, considering three questions that were elaborated about the density of the theoretical framework, the clarity and objectivity of the writing and whether there is a demonstration of the importance of using performance indicators.

Three answers were possible, attributing a weight of 1 point to "yes", a weight of 0.5 points to "partially" and a weight of 0.5 points to "no".

Only the articles that obtained a final score higher than the cut-off score of 1.5 were selected, recorded, and had their information properly tabulated.

Table 1 indicates which articles these articles are, which countries, years, and in which journals they were published, as well as the evaluation of the latter in the Journal Citation Reports (JCR), by Clarivate Analytics, and in the Scimago Journal and Country Rank (SJR), by Scimago, in addition to the Qualis indicator of the Sucupira Platform.

It also shows the number of times the articles were cited in the Scopus, SciELO Citation Index (Web of Science) and, complementarily, Google Scholar databases.

In the end, and most importantly, it brings a summary of the work to help understand its correlation with research and knowledge production.

It should be noted that not all journals were found in the three evaluators, and they were assigned a value of "0" or "without" in these hypotheses.

The selected articles are by the following authors, who are presented in the same order as the table: 1) (JIANG et al., 2018); 2) (HENNEBEL; SIMPER; VERSCHELDE, 2017); 3) (ROGGE et al., [n.d.]); 4) (USTA; WEIN, 2015); 5) (MAGUIRE; ATKIN-PLUNK; WELLS, 2021); 6) (SANDS; HODGE, 2019); 7) (USTA; WEIN, 2015); 8) (GOMES; SILVA, 2022); 9) (LAPLANT et al., 2021); 10) (BYRNE; KRAS; MARMOLEJO, 2019); 11) (VILLAVICENCIO et al., 2015); 12) (RESUELLO; TATLONGHARI, 2014); 13). (CABRAL; AZEVEDO, 2008)



Table 1

	Table 1										
N.	Artide	Magazine	Palc . Magazine	Year Published 0.	JCR	8JR	QUA LIS	Quote. Scopus	Cita. Web of Sole noe	Quote. Google	Objective
1	An Exploratory Study of the Effects of Work Environment Variables on Job Satisfaction Among Chinese Prison Staff	INTERNATIONAL JOURNAL OF OFFENDER THERAPY AND COMPARATIVE CRIMINOLOGY	Unit rel 3 Laters	2018	0.63	0.57	А3	13	12	26	audies the environmental variables and personal characteristics among prises officers in two prisons in China, in order to determine which has the greatest influence on their job satisfaction. The conclusion reached is that the environmental variables are more significant in this perception.
2	Is there a prison size dilemma? An empirical analysis of output- specific economies of scale	European Journal of Operational Research	Kingstom of the Netherlands	2017	6,363	2.35	A1	o	2	7	The study highlights the importance of considering not only the per prison, but also the respective qualitative outcomes, such as the successful of prisoners lets the prison in highest and human Naha. salae, a suggests that the root efficient prisons are those independent inspections.
3	An analysis of managerialis m and performance in English and Welsh male prisons	European Journal of Operational Research	Kingston of the Netherlands	2015	6,363	2.35	A1	4	1	12	Studies managerials mand performance in English and Welsh men's prisons. Proposes new policies for improving performance based on analysis of efficiency indicators. Integrates managerialism from various strategies, functions such as employment and accommodation, human cresource utilization, capacity
4	Assessing Risk-Based Policies for Pretrial Release and Split Sentencing in Los Angeles County Jalls	PLOS ONE	United States	2015	3.752	0.85	A1	2	1	9	rehabilitation, etc. Studies  recidivism impacted by policies for releasing prisoners who committed less serious crimes in California and compares them with data from Los Angeles. It concludes that release in these cases recluces recidivism by 7% and the average prison population by 20%, a reduction attributed to the fact that these patty criminals have less contact with others who have committed more serious crimes.
5	The Effects of Procedural Justice on Cooperation and Compliance amonglimat es in a Work Release Program	International Journal of Offender Therapy and Comparative Criminology	United States	2018	1,645	0.57	АЗ	12	11	24	It studies how the fair and legitimate corributes to atherty by prisonefficers contributes to stimulating prisoners a sense of obligation to voluntarily observe rules within the walls, without need to recompose yourself formal sanctions. The research of CG collected in 2006 survey rade invates at a minus



N.	Article	Magazine	Country Magazine	Year Published C.	JCR	SJR	QUA LIS	Quote. Scopus	Cita. Web of Science	Guote. Google	Objective
6	Cheaper, better, and more accountable ? Twenty-five years of prisons privatisation in Victoria	Australian Journal of Public Administration	United Kingdom	2019	0.66	0.64	Without	4	3	9	Studies n, the efficiency of private prisons in the State of Victoria, Australia, ten to implementer of the model to the end of its use. It concludes that, despite of savings in private prisons, costs ended up equaling those of public prisons in the long term.
7	Assessing the Delivery of the Thinking for a Change Program in Modified Formats: An Experimenta I Approach	International Journal of Offender Therapy And Comparative Criminology	United Status	2021	1645	0.64	А3	1	1	9	It applies the cognitive-behavioral methodisness as "Thinking for change", which was developed to help participants effective as in the correctional context and verifies that the learness submitted showed significant improvements in solving social problems between the pre-test and the post-test.
	Democratic Governance in Prison Administration: The Challenges of Training Crisical Police in the Goise Prison special Engineering Governance B  In Prison Administration: The Challenges of Subsequence in the Goisen System System System System System System System System	Brazilian Public Security Journal	Brazil	2022	0.0	0.0	A3	0	0	1	It studies which difficulties in the training of prison of the state of the state of the state of the fundamental rights of prisoners.
9	Linkmate: An orline communicati on system for bureau of jail management and penology	Technology	India	2020	0.0	0.0	0	0	o	0	Study the a anapplication for creation of online scheduling of visits and monitored digital conversations between inmates and family members.
10	International pers pectives on the privatization of corrections	European Journal of Operational Research	Kingdom of the Netherlands	2019	6.363	2.35	A1	4	1	12	the expansion of private sector involvement in in correctional systems, as well as notice the comparative effectiveness of a public versus private management. The results were not conclusive about which system would be better.



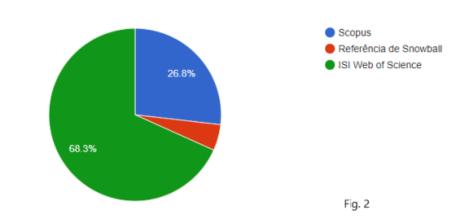
N.	Article	Magazine .	Paic Magazine	Year Published 0.	JCR	8JR	QUA LIS	Scopus	Cita. Web of Solence	Quote. Google	Objective
11	A comparative analysis of penitentiary management systems in Chile, Spain and the United Kingdom	Spaces	Venezuella she .	2015	0.0	0.0	С	1	O	2	Comparative study between the peritentiary systems of Chile, Spain and the United Kingdon, especially in the economic sphere. It investment that there has been a small in the investment that there has been a small in the investment of the child shall be that there are far below what is spared in the United Kingdon, which is spared in the United Kingdon, which is spared in important reference trans study to be followed in other countries, especially for the long-term management of prisons.
12	Beyond the Bars, Breaking Barriers Towards Digital Inclusion: Fa milly Visits Through ICT-based "e-Dalaw" as Innovation in the Retormation Program of the Maximum Security Inmates of the New Billbid Prisons, Philippines	The Asian Conference on Society, Education & Technology	Philippines	2014	0.0	0.0	0	O	O	0	It studies how virtual.  Viaits to Immon reducing molitaken rates and the practice of absences within prisons, suggesting that digital inclusion brings positive changes.
13	The Modes of Provision of Prison Services in a Comparative Perspective	Brazilian Administrative Review	Book	2008	0.0	0.27	AZ	٥	4	40	Compares public and hybrid prisons (private und or public employee uppervisor). The findings revealed that the prison's repeated plans batteria operations indicators (such as excapes, riots, deaths, and invariate as all transvels compared to the public facility, which partially challenges the arguments in prison of Hart, services. Selecte, and Vishrey and Vishrey and Vishrey participation

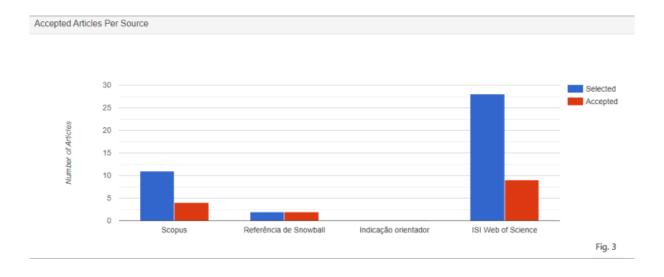
Source: Prepared by the authors

Figures 2, 3, and 4 present graphs that represent, respectively, the articles by origin, the ratio between selected and rejected articles, and the number of articles by year of publication.

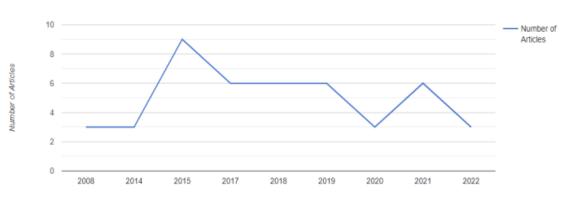
It is observed that the year 2015 had the largest number of publications on the theme studied here. However, despite being the same year as the approval of the Mandela Rules, there was no concrete and robust evidence of correlation between these events, pointing to the modest difference to mere coincidence.











# Fig. 4

# **RESEARCH QUESTION 1**

Does the study highlight the importance of using performance indicators for management in general?



All selected studies highlighted that performance indicators are necessary for the success of management and based their conclusions on the indicators they elected.

It was also found that there is a concern with comparative analyses of the prison systems of more than one region, with the limitations that are inherent to this type of research, considering the diversity of legislation, size of the prison mass, etc.

It was also observed that the issue related to the performance of prisons appears markedly in comparative studies between prison establishments with public, private and hybrid management.

However, no studies were found in the research that proposed to effectively apply performance indicators for the comparison of prisons of the same management model in a single country.

### **RESEARCH QUESTION 2**

Does the study bring any performance indicator applicable to the prison reality? The vast majority of studies focused mainly on the budget issue of prisons.

However, in some of the studies, as highlighted in table 1, indicators intrinsically linked to prisons were highlighted, such as recidivism rates, job satisfaction of prison officers, sense of obligation for inmates to comply with the rules of the establishment, etc.

# **RESEARCH QUESTION 3**

Is it possible to use this performance indicator specifically for monitoring the Mandela Rules?

Although some studies have mentioned human rights as a parameter for prisons, no concrete indicator has been indicated to evaluate or monitor these guarantees under the lens of the Mandela Rules.

Limiting the search string to the term "Mandela Rules" only, only 34 results were obtained in the **Scopus** database, while in **the SciELO Citation Index (Web of Science)**, a paltry 24 results were obtained.

Even fewer results are related to the string "The United Nations Standard Minimum Rules for the Treatment of Prisoners".

And none of these results persist if the terms related to performance indicators are combined in the search string.



# LIMITATIONS AND FUTURE RESEARCH

Due to the limited number of results obtained in the two indexed databases, two possible explanations emerge more apparent for this situation. The first is that not many studies have yet been done on the use of performance indicators in prisons, much less to specifically assess and monitor compliance with the Mandela Rules.

The second explanation may be a possible failure in the search string and/or in the choice of indexed databases, especially if the multidisciplinary nature of the search is considered.

By the way, there was a significant delay in finding an initial search string that effectively brought a larger portfolio to be analyzed, notably because the Parsif.al step model requires that each word of the PICOC strategy be saved, to later be exported as a keyword, and only then can a search string be generated.

And, if it were necessary to include or exclude a certain word, all the steps above would have to be redone to generate a new search string, it is worth remembering that, when doing so, the previous string was lost without any registration, harming any combinations of the best terms and the improvement of the query.

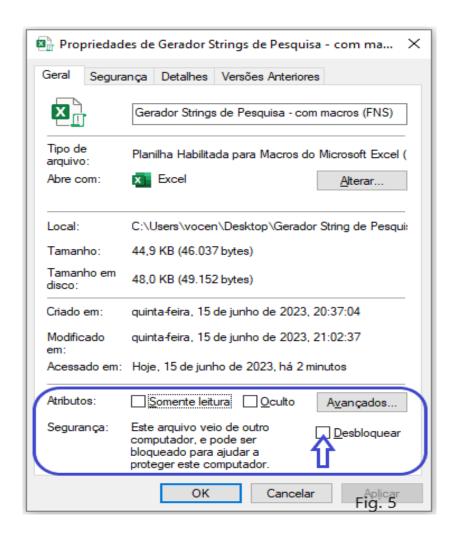
With this in mind, a Microsoft Excel spreadsheet was developed to facilitate the elaboration of initial search strings, which are automatically generated as soon as the keyword is inserted in the appropriate field.

Although the aforementioned generation of strings is performed exclusively by formulas of the program itself, two convenience buttons with macros were also inserted, one to register the generated string in a separate spreadsheet folder, in the same workbook, and another to delete all keywords from the fields, both macros having been programmed in Visual Basic for Applications (VBA).

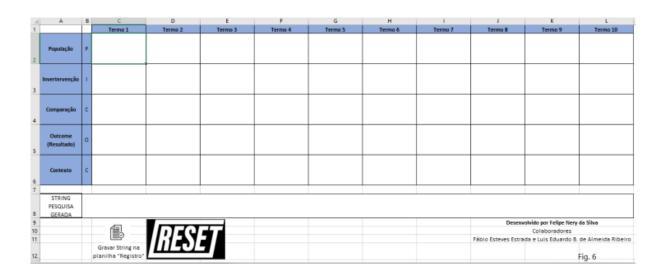
To use it, just decompress the downloaded zip file and open the spreadsheet at the destination location.

If you are interested in also using the additional functionalities of macros, you will need to open the destination location of the decompression, right-click on the spreadsheet, choose properties and select the unlock box, as shown in figure 5:





The development of the spreadsheet was made by its intuitive use, and it is possible to observe the respective interface in figure 6:



It is important to emphasize that future research can be carried out, expanding the number of indexed databases to be consulted, and this review serves as an initial indication that there are, at least considering the search strategy used, few studies relating the use of



performance indicators in public prisons to evaluate and monitor compliance with the Mandela Rules.

### FINAL CONSIDERATIONS

In this Systematic Literature Review, produced following the model proposed in the virtual environment Parsif.al (2021), two indexed databases were consulted, **Scopus** and **SciELO Citation Index (Web of Science)**, to survey studies that related performance indicators with prison administration.

The following search strategy was used: ("Correctional facility" OR "Jail" OR "Penitentiary" OR "Prison") AND ("Administration" OR "Management") AND ("Data" OR "Indicator" OR "Public Data" OR "Statistic") AND ("Dashboard" OR "Efficiency" OR "KPI" OR "OKR" OR "Performance").

Of the 157 articles found, after applying the eligibility and quality criteria, only 13 articles remained to be filed, cataloged and studied.

After the analysis, it was concluded that there are indications of the scarcity of studies carried out on the application of performance indicators in prisons, especially considering the inspection of the Mandela Rules, suggesting ample room for future research on the subject.



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