


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

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ABSTRACT

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 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, in view of the constant violation of the human rights of prisoners. Thus, considering the maxim that "you cannot manage what you do not measure, you cannot 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 arises as an interesting research opportunity, 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. 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 clearly 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 own 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 apparently 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, in order 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),² 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:

Question 1 – Does the study highlight the importance of using performance indicators for management in general?

Question 2 – Does the study bring any performance indicator applicable to the prison reality?

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, with a view to increasing 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.

² "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 area-restrictive 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 on **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, in order 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.

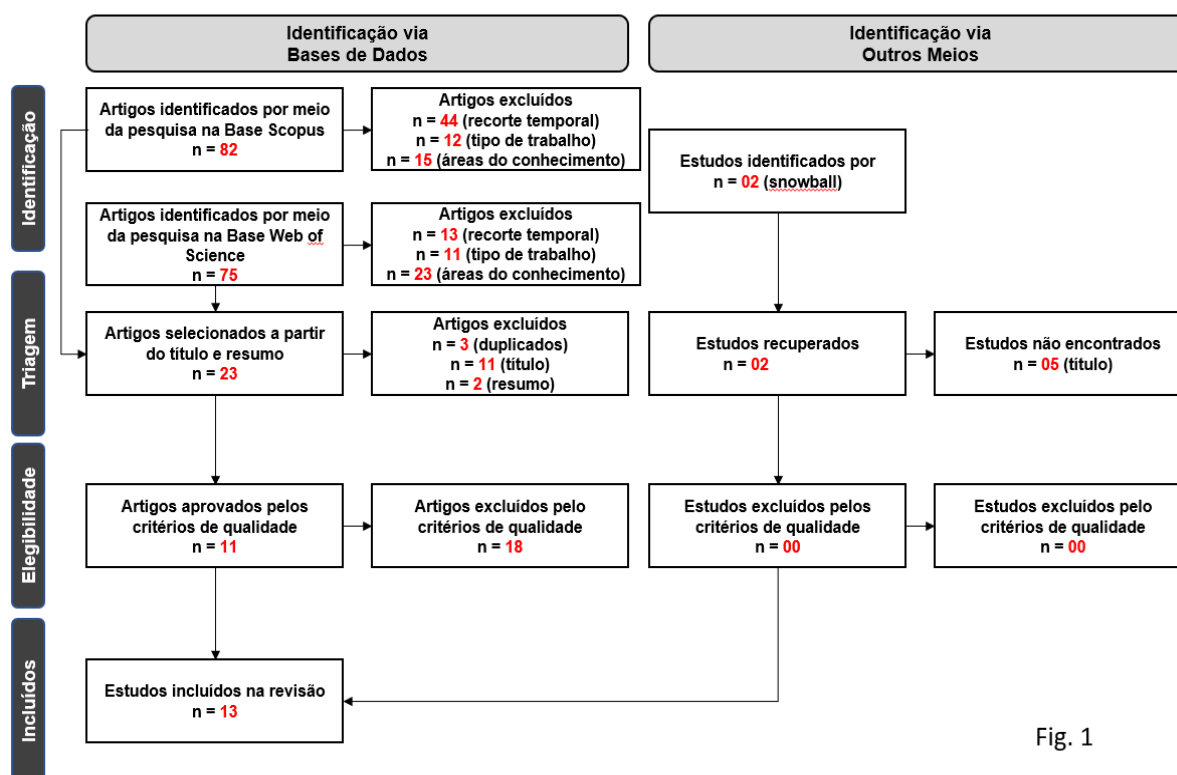


Fig. 1

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 by the following authors, who are presented in the same order as the table are: **1)** (JIANG et al., 2018) ; **2)** (HENNEBEL; SIMPER; VERSCHELDE, 2017) ; **3)** (ROGGE et al., [s.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

N.	Artigo	Revista	País Revista	Ano Public.	JCR	SJR	QUALIS	Cita. Scopus	Cita. Web of Science	Cita. Google	Objetivo
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	Estados Unidos	2018	0.63	0.57	A3	13	12	26	Estuda as variáveis de ambiente e características pessoais entre os agentes penitenciários em duas prisões da China, a fim de apurar qual tem maior influência para a satisfação no serviço destes. A conclusão a que se chegou que as variáveis de ambiente são mais significativas nessa percepção.
2	Is there a prison size dilemma? An empirical analysis of output-specific economies of scale	European Journal of Operational Research	Reino dos Países Baixos	2017	6.363	2.35	A1	0	2	7	O estudo aponta a importância de se considerar não apenas o custo/preso por presídio, mas também os respectivos resultados qualitativos, como a reintegração bem-sucedida dos prisioneiros e o ambiente humano das prisões da Inglaterra e do país de Gales. Sugere também que as prisões mais eficientes são as que possuem inspeções regulares independentes.
3	An analysis of managerialism and performance in English and Welsh male prisons	European Journal of Operational Research	Reino dos Países Baixos	2015	6.363	2.35	A1	4	1	12	Estuda o gerencialismo e o desempenho nas prisões masculinas inglesas e galesas. Propõe novas políticas de melhoria de desempenho com base na análise de indicadores de eficiência. Integra o gerencialismo de várias funções estratégicas, como emprego e acomodação, utilização da capacidade humana, reabilitação, etc.
4	Assessing Risk-Based Policies for Pretrial Release and Split Sentencing in Los Angeles County Jails	PLOS ONE	Estados Unidos	2015	3.752	0.85	A1	2	1	9	Estuda como a reincidência é impactada por políticas de liberação de presos que cometeram delitos menos graves na Califórnia e os compara com os dados de Los Angeles. Conclui que a soltura, nesses casos, diminui a reincidência em 7% e média da população carcerária em 20%, redução essa que é atribuída ao fato do menor contato desses pequenos criminosos com outros que praticaram delitos mais graves.
5	The Effects of Procedural Justice on Cooperation and Compliance among Inmates in a Work Release Program	International Journal of Offender Therapy and Comparative Criminology	Estados Unidos	2018	1.645	0.57	A3	12	11	24	Estuda como o exercício justo e legítimo da autoridade por parte dos agentes penitenciários contribui para estimular nos presos um senso de obrigação de observar voluntariamente a regra intramuros, sem a necessidade de se recorrer a sanções formais. A pesquisa utilizou os coletados em uma pesquisa de 2006 com 213 detentos masculinos de uma prisão de segurança mínima.

N.	Artigo	Revista	País Revista	Ano Public.	JCR	SJR	QUALIS	Cita. Scopus	Cita. Web of Science	Cita. Google	Objetivo
6	Cheaper, better, and more accountable? Twenty-five years of prisons privatisation in Victoria	Australian Journal of Public Administration	Reino Unido	2019	0.66	0.64	Sem	4	3	9	Estuda a eficiência de prisões privadas no Estado de Vitória - Austrália, desde a implantação do modelo até o encerramento do seu uso. Conclui que, apesar de economias iniciais nos presídios privados, os custos acabavam se igualando no longo prazo com os presídios públicos.
7	Assessing the Delivery of the Thinking for a Change Program in Modified Formats: An Experimental Approach	International Journal of Offender Therapy And Comparative Criminology	Estados Unidos	2021	1.645	0.64	A3	1	1	9	Aplica o método cognitivo-comportamental conhecido como "Thinking for a change", que foi desenvolvido para ajudar os participantes a desenvolver habilidades de resolução de problemas e tomada de decisões mais eficazes no contexto correcional e verifica que os detentos submetidos apresentaram melhoras significativas na solução de problemas sociais entre o pré-teste e o pós-teste.
8	Democratic Governance in Prison Administration: The Challenges of Training Criminal Police in the Goiás Prison System [Governança Democrática Na Administração Prisional: Os Desafios Da Formação Dos Policiais Penais No Sistema Prisional Goiano]	Revista Brasileira de Segurança Pública	Brasil	2022	0.0	0.0	A3	0	0	1	Estuda qual as dificuldades na formação dos agentes penitenciários em direção a uma governança democrática, e.g. visando a observância dos direitos fundamentais dos presos.
9	Linkmate: An online communication system for bureau of jail management and penology	International Journal of Scientific and Technology Research	India	2020	0.0	0.0	0	0	0	0	Estuda a criação de aplicativo para agendamento online de visitas e de conversas digitais monitoradas entre detentos e familiares.
10	International perspectives on the privatization of corrections	European Journal of Operational Research	Reino dos Países Baixos	2019	6.363	2.35	A1	4	1	12	Estuda a expansão do envolvimento do setor privado em sistemas correcionais, bem como revisa a eficácia comparativa da gestão pública versus privada. Os resultados não foram conclusivos sobre qual dos sistemas seria melhor.

N.	Artigo	Revista	País Revista	Ano Public.	JCR	SJR	QUA LIS	Cita. Scopus	Cita. Web of Science	Cita. Google	Objetivo
11	A comparative analysis of penitentiary management systems in Chile, Spain and the United Kingdom	Espacios	Venezuela	2015	0.0	0.0	C	1	0	2	Estudo comparativo entre os sistemas penitenciários do Chile, da Espanha e o Reino Unido, especialmente sob o enfoque econômico. Destaca que houve um pequeno aumento de investimento nos sistemas penitenciários do Chile e da Espanha, mas que estes estão muito aquém do que é gasto no Reino Unido, que é considerado importante referencial/estudo de caso a ser seguido em outros países, especialmente para a gestão de longo prazo das prisões.
12	Beyond the Bars, Breaking Barriers Towards Digital Inclusion: Family Visits Through ICT-based "e-Dalaw" as Innovation in the Reformation Program of the Maximum Security Inmates of the New Bilibid Prisons, Philippines	The Asian Conference on Society, Education & Technology	Filipinas	2014	0.0	0.0	0	0	0	0	Estuda como a visita virtual de detentos contribui para diminuir os índices de reincidência e de prática de faltas dentro dos presídios, sugerindo que a inclusão digital traz mudanças positivas.
13	The Modes of Provision of Prison Services in a Comparative Perspective	Brazilian Administrative Review	Brasil	2008	0.0	0.27	A2	0	4	40	Compara presídios públicos e de governança híbrida (privada sob supervisão de servidores públicos). As descobertas revelaram que a instalação prisional operada por uma empresa privada apresentou melhores indicadores de desempenho (como número de fugas, tumultos, mortes e assistência aos detentos) em comparação com a instalação pública, o que desafia parcialmente os argumentos de Hart, Shleifer e Vishny (1997) contra a participação privada nos serviços prisionais.

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.

Articles Per Source

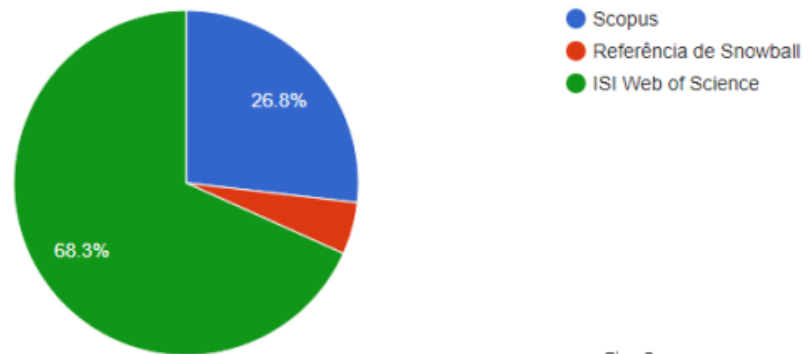


Fig. 2

Accepted Articles Per Source

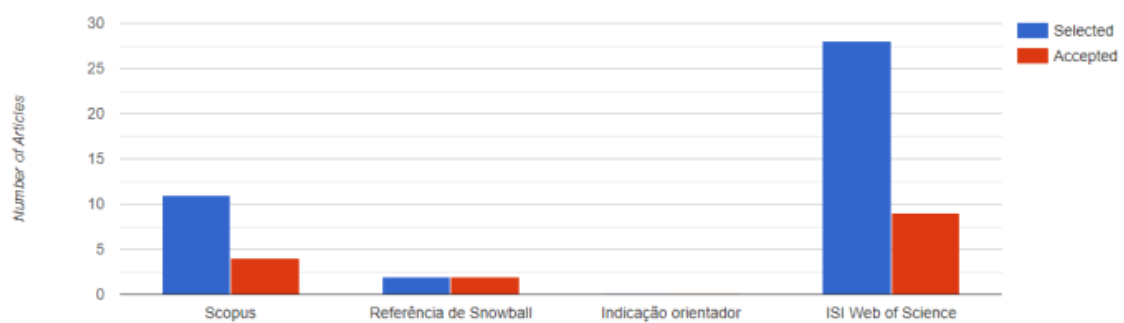


Fig. 3

Final Articles Per Year (After study selection and quality assessment)



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.

In fact, 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)**, 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 in order 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.

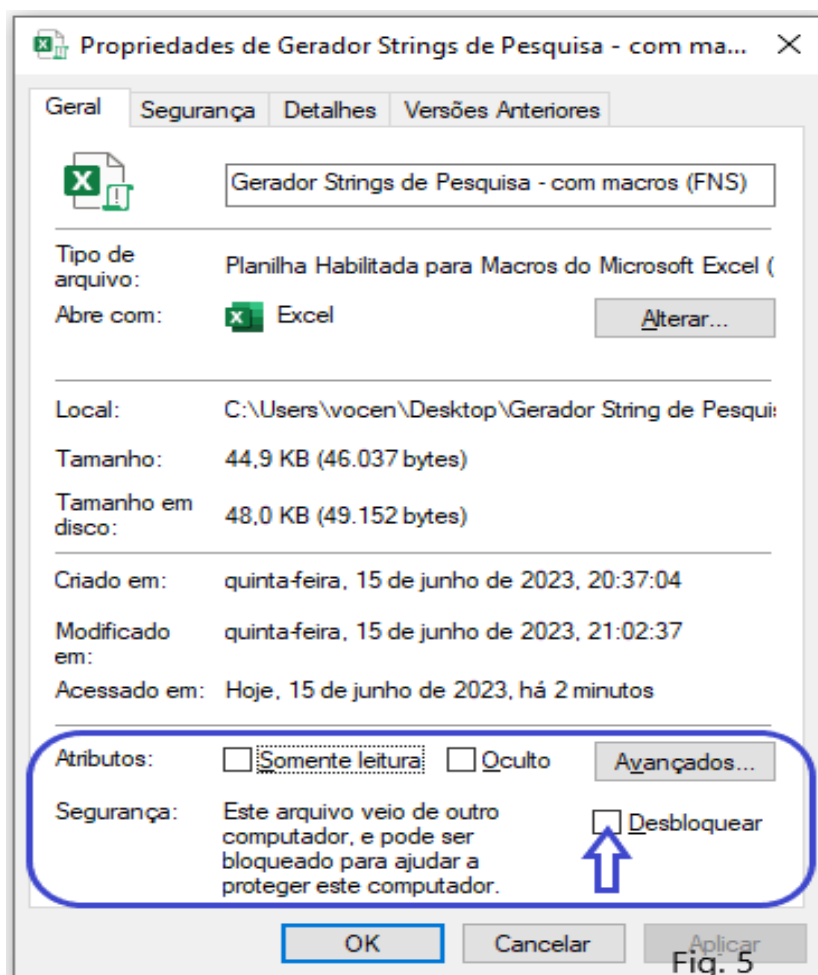
With this in mind, a Microsoft Excel spreadsheet was developed to facilitate the elaboration of initial search strings, which are automatically generated as soon as the keyword is inserted in the appropriate field.

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).

The spreadsheet can be downloaded from the following address: <<https://drive.google.com/file/d/182jsF1ESehU91v0ctLDgNIqQnmgUSo18/view?usp=sharing>>.

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:

	A	B	C	D	E	F	G	H	I	J	K	L
1			Termo 1	Termo 2	Termo 3	Termo 4	Termo 5	Termo 6	Termo 7	Termo 8	Termo 9	Termo 10
2	População	P										
3	Intervenção	I										
4	Comparação	C										
5	Outcome (Resultado)	O										
6	Contexto	C										
7												
8	STRING PESQUISA GERADA											
9												
10												
11												
12												

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)**, in order to survey studies that related performance indicators with prison administration.

For this purpose, the 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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