

Impact case study (REF3)

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| Institution: Birkbeck College |
| Unit of Assessment: 18 Law |
| Title of case study: <i>The World Prison Research Programme: reducing the harms of over-incarceration with World Prison Brief data, policy-oriented analysis, and global engagement</i> |
| Period when the underpinning research was undertaken: 2013 to date |
| Period when the claimed impact occurred: 2013-2020 |
| Is this case study continued from a case study submitted in 2014? N |
| <p>1. Summary of the impact (indicative maximum 100 words)</p> <p>The World Prison Research Programme gathers, analyses and publishes the best available data on prison populations. Our World Prison Brief data are used in international indices on criminal justice, development and human rights. The data and analysis generated by our research have produced a comprehensive evidence base for penal reform, trusted and used by governmental and non-governmental organisations worldwide. Our rankings of prison population rates prompt governments to action: between 2015 and 2020 Kazakhstan improved its ranking from 41st place to 100th place with no consequent increase in crime. We have contributed to penal policy in England and Wales and to improved prison management practices globally.</p> |
| <p>2. Underpinning research (indicative maximum 500 words)</p> <p>The World Prison Research Programme – underpinned by the World Prison Brief database (i) – seeks to bring about an end to widespread over-incarceration and its many associated harms. Walmsley and Fair source, analyse, update and publish the best available data on prisoner numbers (overall, and rate per 100,000 of the national population) for all countries except North Korea, Somalia and Eritrea (which don't publish such data). Walmsley and Fair provide numbers of pre-trial, female, foreign national and juvenile prisoners; supplemented with complementary data on official prison system capacity and occupancy rates (key indicators of overcrowding), national rankings and trend information, and prison inspection and monitoring reports.</p> <p>Walmsley and Fair thereby provide a solid evidence base for a variety of users to evaluate and inform penal policy and practice with consequent impacts on human rights, public health, justice, security and economic development. Walmsley and Fair produce the <i>World Prison Population Lists</i>; and Fair produces the bi-monthly <i>International Prison News Digests</i> (news relating to prisons and the use of imprisonment around the world). Fair co-authored the 3rd edition of <i>A Human Rights Approach to Prison Management</i> (iii), a handbook describing internationally agreed standards on imprisonment, with practical guidance on their implementation by prison administrations.</p> <p>This body of research data reveals unrelenting growth in the use of imprisonment across much of the world in recent decades. Rapidly rising prisoner numbers and insufficient resources mean prison systems around the world are in crisis. Overcrowded and dangerous prisons exacerbate pre-existing health and social inequalities. Over-use of imprisonment is costly and hampers development, while doing little to prevent crime. There is growing recognition that there are better ways to tackle the social problems underlying much offending, and reduce reliance on imprisonment. Several countries with histories of high incarceration rates have adopted policies designed to curb rising prisoner numbers, in many cases informed by our team's data and research and our collaboration with a large network of civil society reform partners.</p> <p>Between 2017 and 2020 the Programme expanded to research more deeply the causes and consequences of over-incarceration and strategies to address these, through the project <i>Understanding and reducing the use of imprisonment in ten countries</i>. The project was grant-funded and supported pro bono by several law firms. Fair, Heard and Jacobson investigated the</p> |

drivers of high levels of imprisonment in ten contrasting jurisdictions, and proposed workable reform strategies. Their research methodology included legal and policy reviews and primary research with input from a range of stakeholders including prisoners and ex-prisoners, defence lawyers and other practitioners, NGOs and academic researchers. The team examined the framework for custodial decision-making (based on local law and policy). They supplemented their statistical analysis and legal research by qualitative interviews on court decision-making in practice (pre-trial and at sentencing) and on people's lived experience of custody from remand to release, both prior to and during the pandemic. Outputs cover:

- **Learning from changing patterns of imprisonment'** (ii). Jacobson, Heard and Fair examined the causes and consequences of rising prison populations in the ten countries, supplementing statistical analysis with accounts of recent trends in each country before setting out strategic recommendations for reducing prison populations in the ten countries and beyond.
- **Over-use of pre-trial detention** (iv) which infringes fundamental rights, exacerbates overcrowding, and causes economic and social harm. Heard and Fair identified contributory factors including under-resourced prosecution and court services and limited alternatives to custody. They made concrete recommendations, including several which are transferable to countries other than the ten in the study.

Penal policies and their public health consequences (v). Heard highlighted links between overuse of imprisonment and poor public health and called for a more health-informed approach to penal policy. Her research was informed by the two-day conference she organised in November 2018 – *Mapping inequalities in prisoner healthcare worldwide* – at which health and justice experts from across the ten countries shared their perspectives.

3. References to the research (indicative maximum of six references)

- i. (2021) *World Prison Brief Highest to Lowest*, Institute for Crime & Justice Policy Research. Accessed 14 January 2021 <https://www.prisonstudies.org/highest-to-lowest/prison-population-total%20>
- ii. Jacobson, J., Heard, C. & Fair, H (2017) "*Prison: Evidence of its use and over-use from around the world*", Institute for Criminal Policy Research (ICPR) & Fair Trials. Monograph.
- iii. Coyle, A. and Fair, H. (2018) *A Human Rights Approach to Prison Management: Handbook for Prison Staff* (3rd edition). London, UK: Institute for Criminal Policy Research Birkbeck, University of London. ISBN 9780907904335.
- iv. Heard, C. and Fair, H. (2019) *Pre-trial detention and its over-use: evidence from ten countries*. Institute for Crime and Justice Policy Research, London.
- v. Heard, C. (2019) '*Towards a health-informed approach to penal reform? Evidence from ten countries*'. Institute for Criminal Policy Research: London.
- vi. Heard, C. (2020) '*Assessing the global impact of the Covid-19 pandemic on prison populations*'. *Victims & Offenders*, ISSN 1556-4886.

4. Details of the impact (indicative maximum 750 words)

4.1 Widespread use of World Prison Brief data (including in international indices)

The World Prison Brief (WPB) provides the definitive dataset on prison systems worldwide. Its website is visited over one million times a year, the number of users tripling from approximately 112,000 to approximately 343,000 between 2013 and 2020. Users originate from 232 countries with high demand from the USA and the Philippines (see 4.3 and 4.5 below). Fair's media monitoring shows that in 2020 our data was cited in 54 English language news articles (and 59 in other languages); and 62 policy reports (including 12 related to Covid, see 4.3 below) [Sources to corroborate the impact: 1].

The UN uses our WPB data to measure countries' progress against indicator 16.3.2 (*Unsentenced detainees as a proportion of overall prison population*) of its access to justice target 16.3 corresponding to Sustainable Development Goal 16. WPB data are also used in [UN Human Development Reports](#) (concerning the measure for Human Security); the [Global Peace Index](#) of the Institute for Economics and Peace (concerning the measure for Societal Safety and Security); and by the Association for the Prevention of Torture to measure compliance with the Optional Protocol to the UN Convention against Torture. We are a partner database of the [World Health Organisation](#), who advise that WPB data “enables more evidence-based discussion on ways to improve prison systems” [Sources:2].

4.2 Support to UN bodies [redacted]

WPB data is heavily referenced by the **UN Office on Drugs and Crime (UNODC)** which lists the World Prison Brief, and our related ‘*World Female Imprisonment List*’ and ‘*World Prison Population List*’ in more than 200 places on the UNODC website, including: policy papers; country specific pages; citations in specific reports; and as training resources. UNODC uses the World Prison Brief as an example of how comparative data can help governments identify where to focus or to prompt ideas for legal reform [Sources:3a].

[redacted]

4.3 Supporting policy and campaigns to address overcrowding and Covid risk

Heard's prior research on prisoner health (v) enabled her to respond rapidly to highlight the risks to public health of overcrowding in prisons presented by Covid (vi). Fair compiled Covid resources for the WPB website, which (in combination with Heard's research and the WPB data) have been widely used to stimulate discussion about the need to reduce prisoner numbers to safeguard wider public health. See for example, calls by Human Rights Watch for prisoner releases in Asia and the Americas [Sources:4a].

[redacted]

In April 2020 Philippines Senator De Lima cited World Prison Brief data (identifying that the Philippines has the highest level of prison overcrowding in the world) in her call for the mass release of prisoners during the pandemic. A month later approximately 10,000 prisoners were released and by October 2020, the figure was approximately 82,000 [Sources:4b and 4c].

4.4 Evidence to support reform campaigns

We routinely work with more than 50 civil society organisations and penal reform champions worldwide who draw on WPB data and associated research in their campaigns. Specific examples include Amnesty International report “[Prison and the pandemic: The lethal cocktail used by the Nicaraguan government against those who criticize them](#)”; Human Rights Watch [World Report 2020](#); Commonwealth Human Rights Initiative report [Responding to the Pandemic: Prisons and Overcrowding](#); Africa Criminal Justice Reform report [Women in Pre-trial Detention in Africa](#). A full list of our partner organisations is at [Sources:5].

4.5 Informing better penal policy (focusing attention on the USA as an outlier)

The WPB identifies the USA as the country which imprisons the highest proportion of its population. This data is widely cited, including:

- April 2015 speech on criminal justice by Democratic presidential candidate Hillary Clinton;
- June 2016 letter from a consortium of criminal justice reformers to Chairs of both Democratic and Republican parties, to ask that reducing the US incarceration rate be a priority in the policy agendas then being set by both parties. Subsequently the 2016 Democratic Platform resolved to “[end the era of mass incarceration](#)”, a commitment which persists to date.
- 2016 report [Economic Perspectives on Incarceration and the Criminal Justice System](#), Executive Office of the President of the United States [all Sources:6a].

The [Homeland Security Digital Library](#) refers to our WPB database as “a unique resource, offering a foundation for evidence-based development of prison policy and practice globally”.

The US prison population has been falling year on year since its peak in 2008, thanks in part to prison reformers who use WPB data including:

- the [Prison Policy Initiative](#), referring to our data as “indispensable” and using it to benchmark US imprisonment rates with those of other NATO countries
- the Drug Policy Alliance; and
- US President Barack Obama who made our data on the incarceration rate one of the key points of his article on criminal justice reform (Harvard Law Review Jan 2017) [*all Sources:6b*]

4.6 Influencing penal policy (Kazakhstan’s drive to reduce rates of imprisonment)

The Kazakhstan Government was concerned by its poor position in the WPB global ranking of countries with the highest prison population rates (being 22nd in 2010, with 393 prisoners per 100,000 of the national population). In 2014 the Government developed a plan, ‘10 Measures to Reduce the Prison Population’, in collaboration with Penal Reform International and with support from Walmsley. The plan explicitly aimed to take Kazakhstan out of the WPB top 50, and after implementation Kazakhstan progressed from 41st to 67th place between 2015 and 2017; from 67th to 93rd between 2017 and 2019; and from 93rd to 100th between 2019 and 2020 (a prison population rate of 157). In 2019 the Kazakhstan prosecution authorities stated that the fall in prison population had led to the closure of eight prisons, avoiding unnecessary social harm and saving taxpayers KZT12 billion (04-2019), without increasing crime [*Sources:7*].

4.7 Influencing penal policy (England and Wales)

In July 2017 the [redacted] Ministry of Justice invited Heard to brief him and others on how our ten country prisons project could inform prison policy in England and Wales. Copies of her briefing were circulated widely throughout the Ministry. In June 2018 the Government published its Female Offender Strategy, with one of its strategic priorities ‘*We want to reduce the female prison population*’. The Strategy made many concrete recommendations and commitments that in substance echoed those made in our research (*ii*) including diversion of vulnerable people from the criminal justice system; and funding community provision including residential units, as alternatives to custody [*Sources:8*].

In April 2018 the Commission on Justice in **Wales** (chaired by [redacted]) invited us to advise how Wales could reduce levels of imprisonment; asking us to convene a roundtable of international experts sourced from our network. [redacted] The experts’ insights about how their countries had significantly reduced prisoner numbers without increasing (re)offending, informed the Commission’s final report. Specifically its conclusion “*The experience of other nations points very strongly to the need to radically re-set sentencing policy ... In particular, a much greater use of a more health aligned approach in prison and the greater use of effective community sentences*” references both the roundtable and messages from our research relating to mental health and alternatives to custody (*ii and v*) [*Sources:9a*] and resulted in the Commission’s recommendation 14 that sentencing policy be determined in Wales so it can be aligned with health and social policy [*Sources:9b*]. The Government has yet to respond.

4.8 Informing best practice in prison inspection and management

In 2018 Fair co-authored the 3rd edition of *A Human Rights Approach to Prison Management: Handbook for Prison Staff (iii)*, over 70,000 copies of which have been distributed to national prison administrations, intergovernmental agencies and NGOs. This edition was produced in collaboration with the International Committee of the Red Cross (ICRC), who use it as a benchmark against which to measure conditions when visiting prisons. ICRC encourage prison administrations to use the handbook and to work towards its recommended standards. In 2019 ICRC made over 1,200 prison visits in over 100 countries according to their [annual report](#) (p.9). The Handbook is also a free-to-download resource in 19 languages [redacted] [*Sources:10*].

5. Sources to corroborate the impact (indicative maximum of 10 references)

1. Fair’s report monitoring media and other citations of WPB in 2020.
2. Summary of usage of World Prison Brief data in international indices.

3. (a) Examples where WPB is quoted on the UNDOC website
(b) [redacted]
(c) [redacted]
4. (a) Human Rights Watch cites WPB data in campaign for early release of prisoners in Asia
(b) De Lima open letter calling for mass release of prisoners, citing WPB data.
(c) News articles from May and October 2020 confirming mass releases in Philippines.
5. List of our partner organisations campaigning for penal reform.
6. (a) Summary of instances where WPB data on USA's rate of imprisonment has informed debate on US penal reform, showing the examples in the case in context.
(b) Links to references to WPB in Homeland Security Digital Library); the Prison Policy Initiative; the Drug Policy Alliance; and Obama Harvard Law Review article.
7. (a) Extract of report of Kazakhstan initiative to UN (with link)
(b) and (c) Two news articles reporting the results of the Kazakhstan initiative (with links)
8. Document relating recommendations from the *Female Offender Strategy* to our research.
9. (a) Letter from [redacted] November 2018 commenting on the seminar, containing the quotes listed in the body of this case.
(b) Extracts from Final report of The Commission on Justice In Wales *Justice in Wales for the People of Wales* (October 2019).
10. [redacted]