

# **Understanding & reducing the resort to custody: Evidence from 10 countries**

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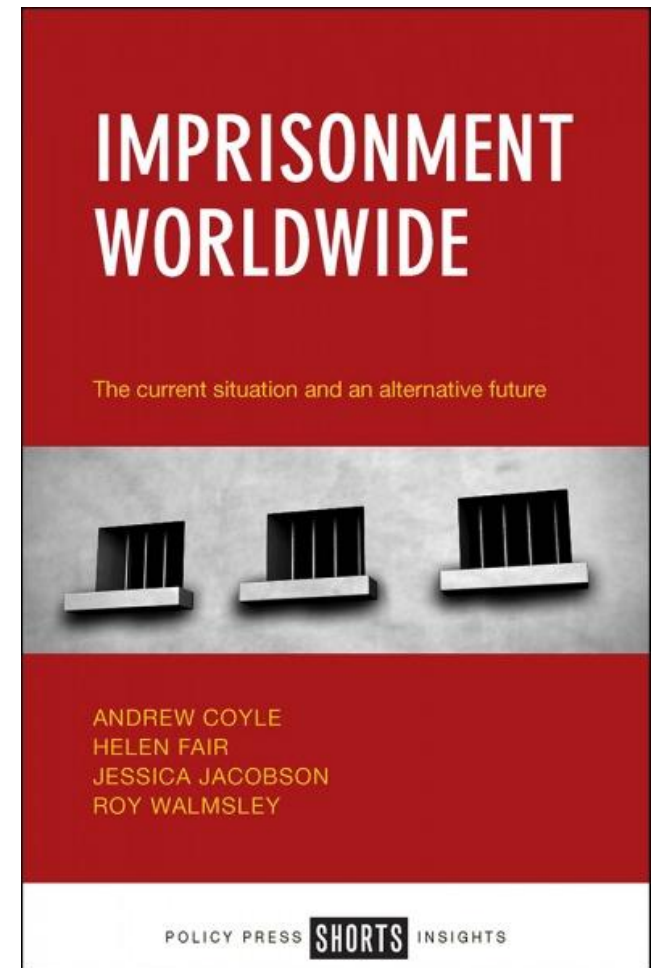
**Institute for Criminal Policy Research**

Sentencing & Penal Decision-Making European  
Group, **Edinburgh conference**

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# ICPR's 10-country project

- Part of ICPR's wider programme of international, comparative research on prisons & imprisonment
- Programme includes hosting & updating World Prison Brief ([www.prisonstudies.org](http://www.prisonstudies.org))
- Publication of *Imprisonment Worldwide* (2016) (Coyle, Fair, Jacobson & Walmsley)



# ICPR's 10-country project

- Research & policy project
- Focus on 10 contrasting jurisdictions
- Entails:
  - Research & analysis: examine what drives use of imprisonment in the 10 jurisdictions
  - Policy development: devise & disseminate measures for reducing the resort to imprisonment (in the 10 jurisdictions & beyond)
- Currently at early stages of research

# Global context of 10-country project

- 11m+ prisoners worldwide
- About 3m of whom are in pre-trial detention/remand.
- About 2.2m are in US prisons
- Vast disparities in prison pop. rates & trends
- But rapid, unrelenting growth in imprisonment in much of the world in recent decades.

**WPB**  
World Prison Brief

World Prison Brief data

World Prison Brief data

Africa

Asia

Caribbean

Central America

Europe

Middle East

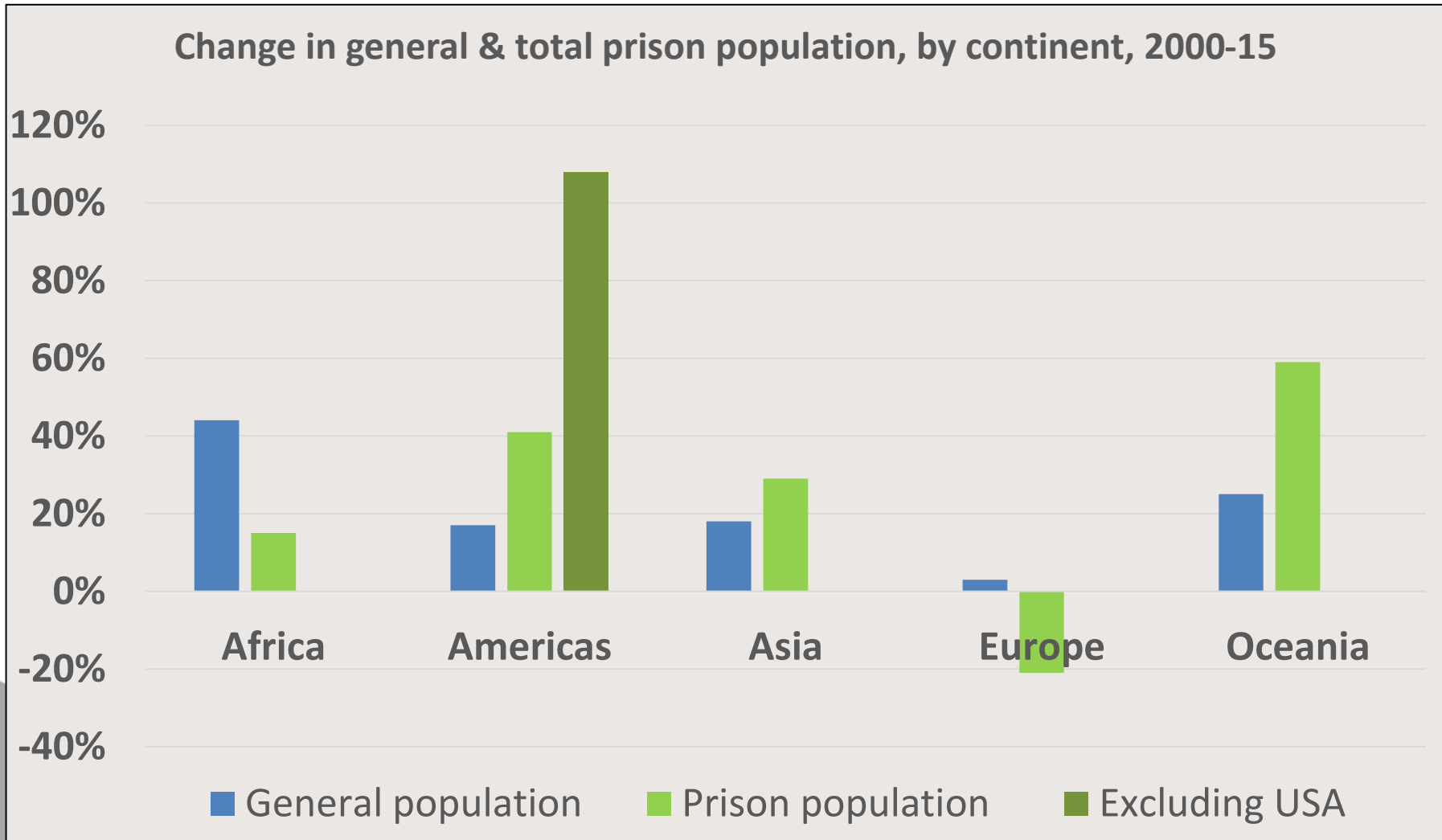
Northern America

Oceania

South America

Highest to Lowest

# Global context



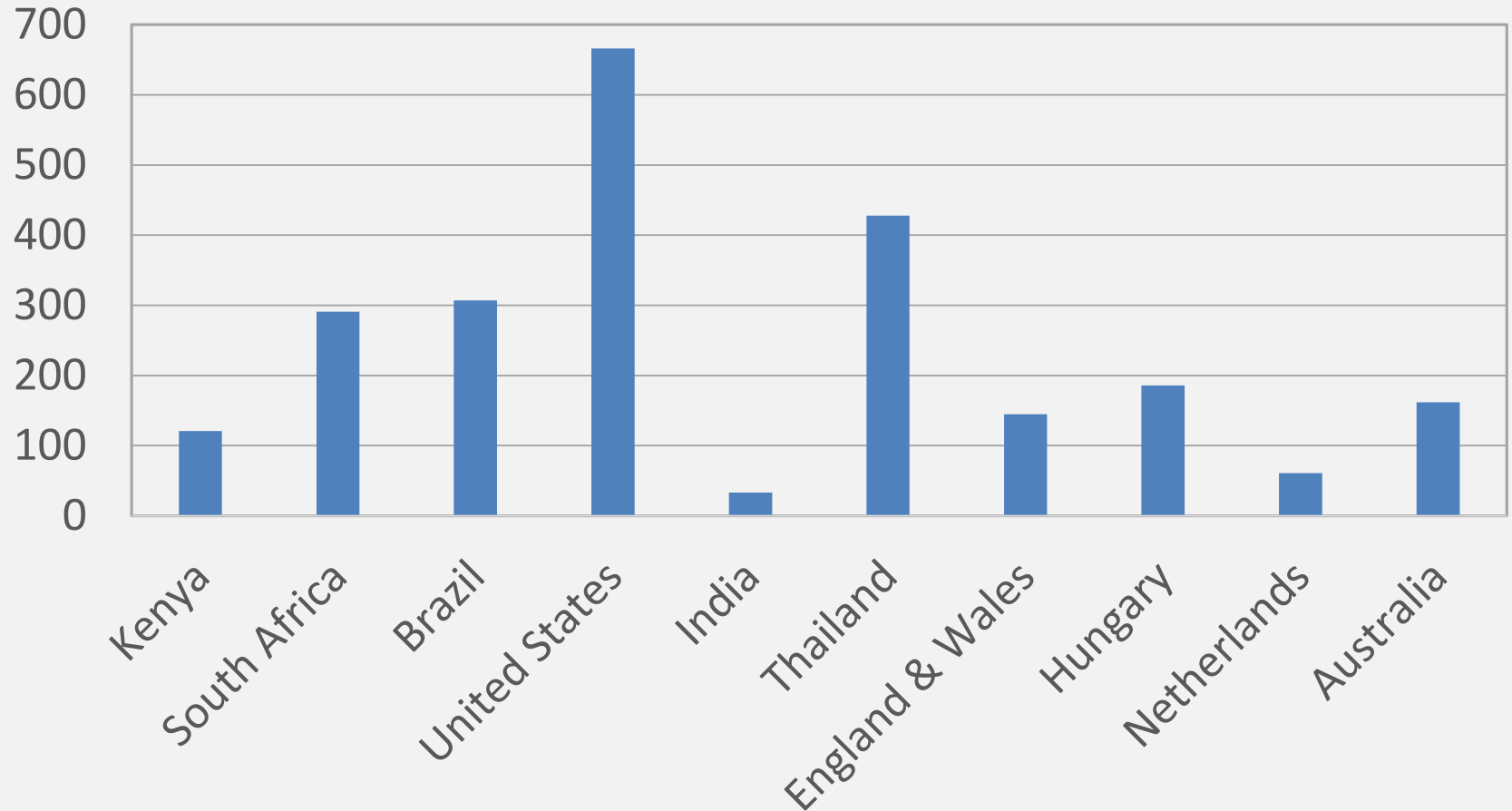
# The 10 countries

<b>AFRICA</b>	<b>Kenya</b>	<b>South Africa</b>	
<b>AMERICAS</b>	<b>Brazil*</b>	<b>USA*</b>	
<b>ASIA</b>	<b>India*</b>	<b>Thailand</b>	
<b>EUROPE</b>	<b>England &amp; Wales</b>	<b>Hungary</b>	<b>Netherlands</b>
<b>OCEANIA</b>	<b>Australia*</b>		

\*Federal systems – much of the work focuses on a single state

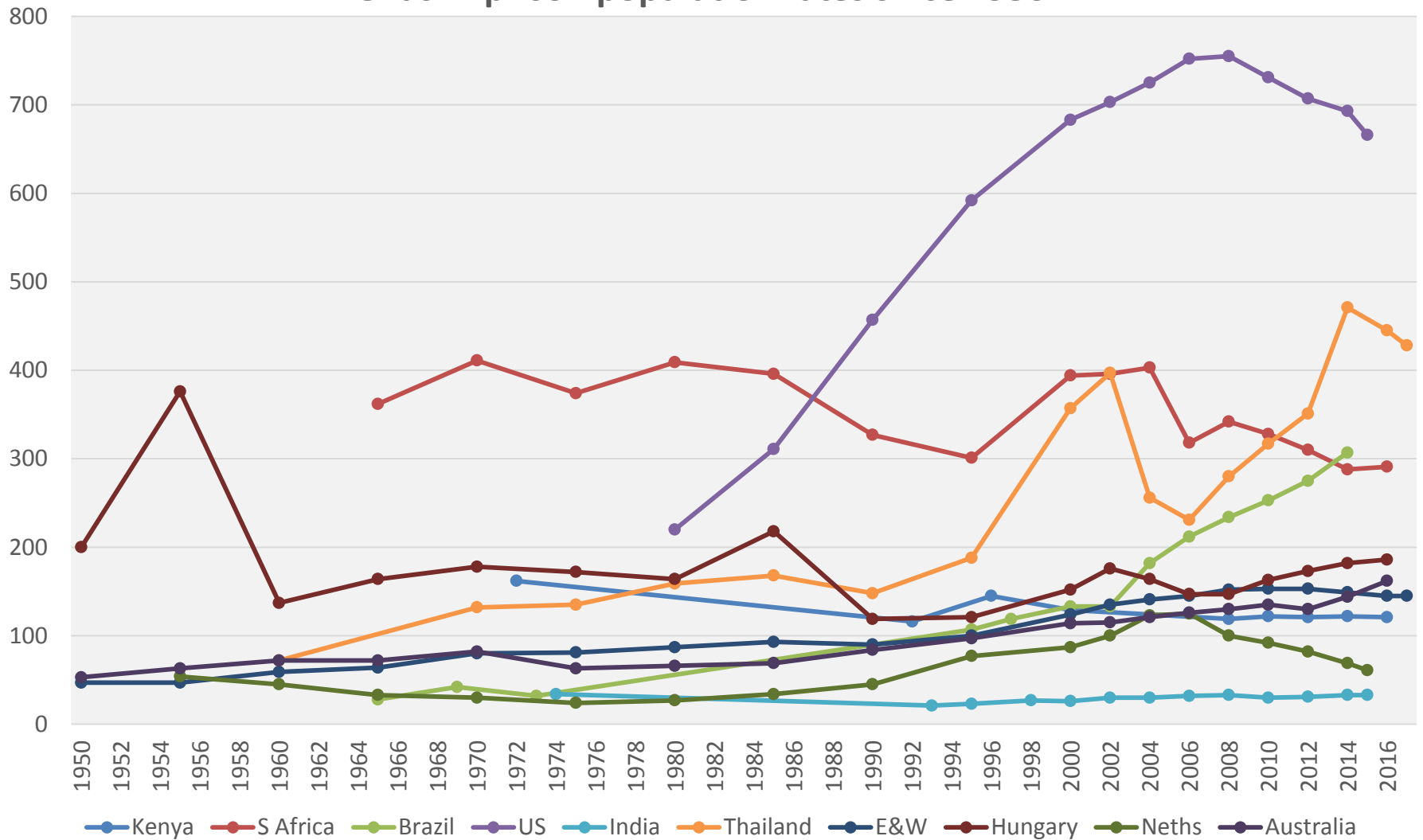
- Selected on basis of:
  - Geographic spread
  - Regional or global influence
  - Diversity in levels of economic development, legal systems & prison population rates & trends
  - Availability of data & potential project partners

## Prison population rate (no. prisoners per 100,000 national population)\*



\*Most recent data available on WPB as of Feb 2017

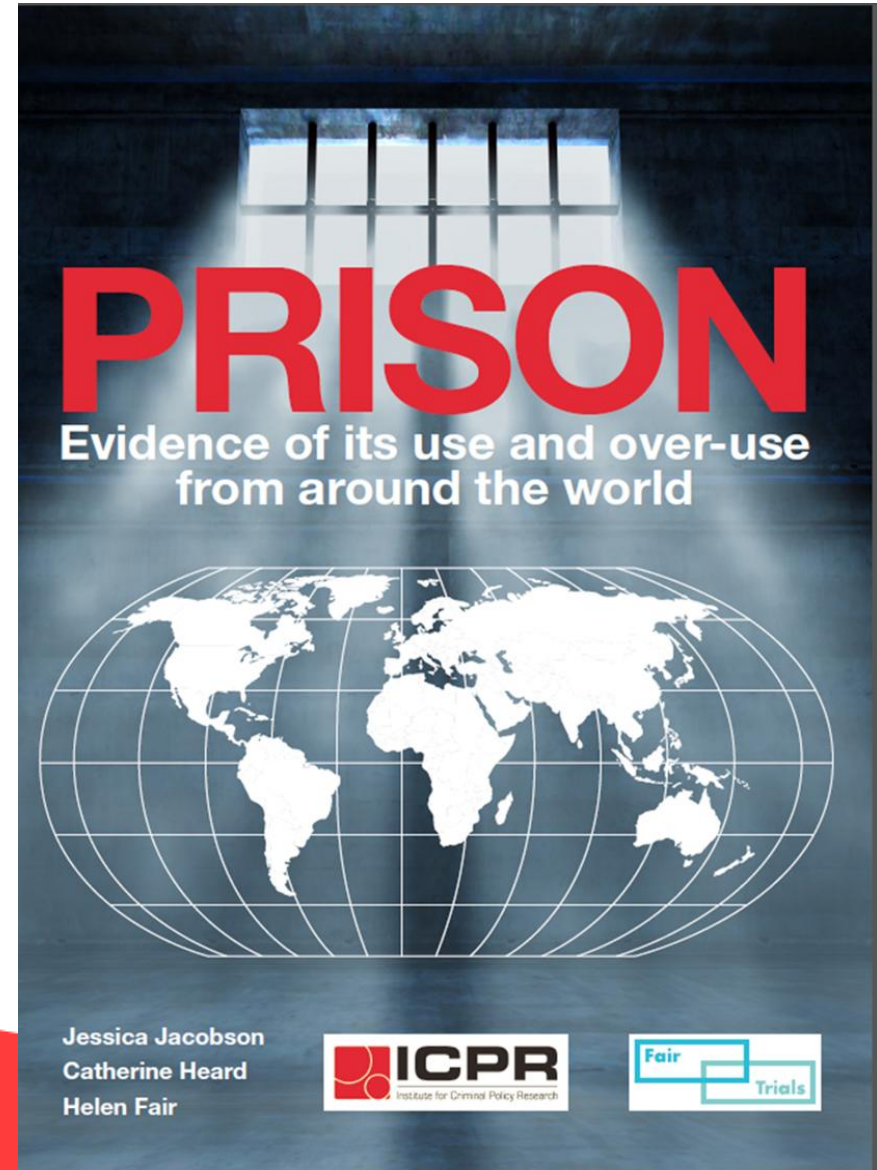
## Trends in prison population rates since 1950





# Understanding trends in use of imprisonment in the 10 countries

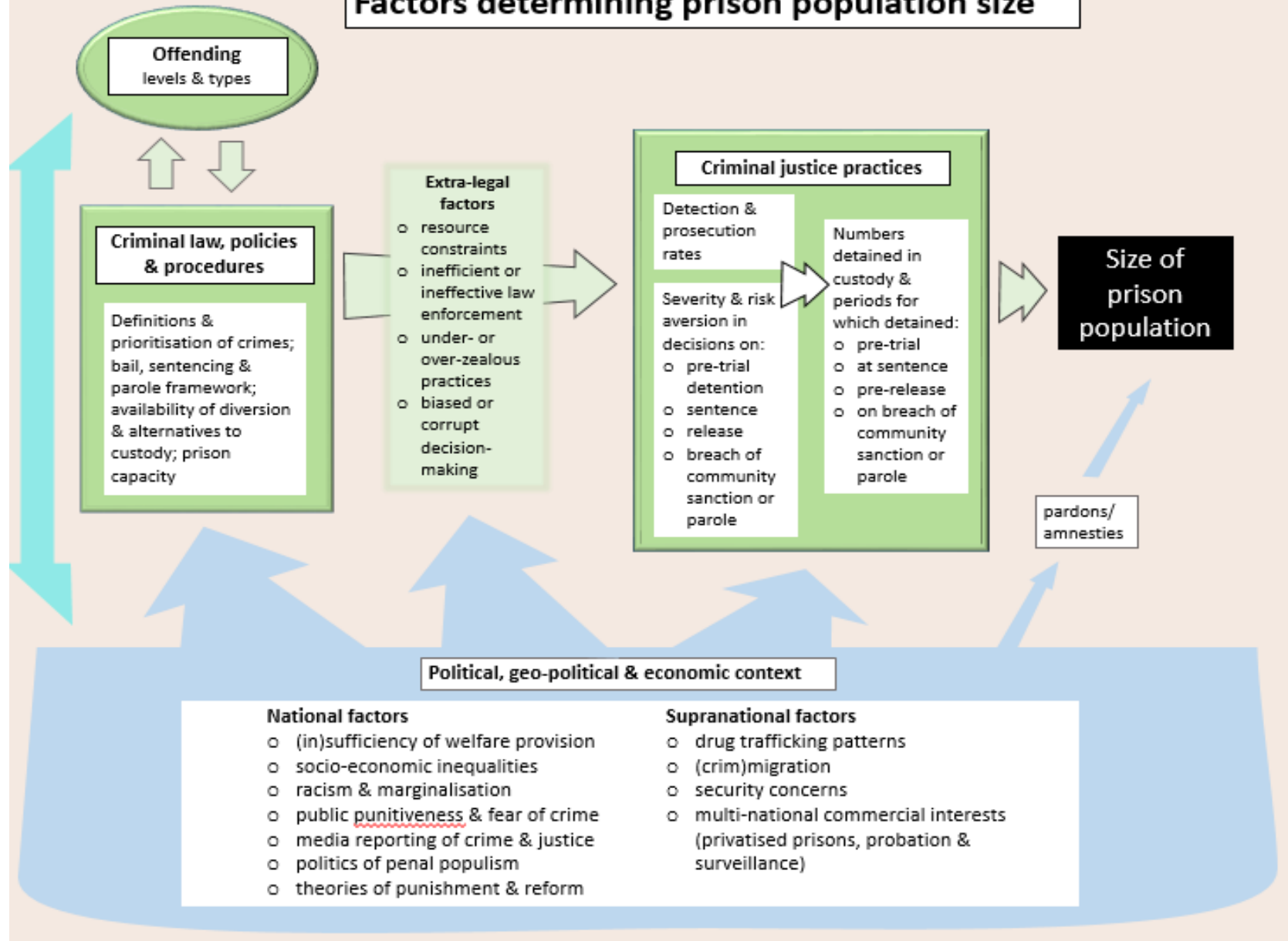
- Preliminary research looked at key developments in use of imprisonment in each country
- Variation (geographic & temporal) can only be explained with reference to range of interlocking factors



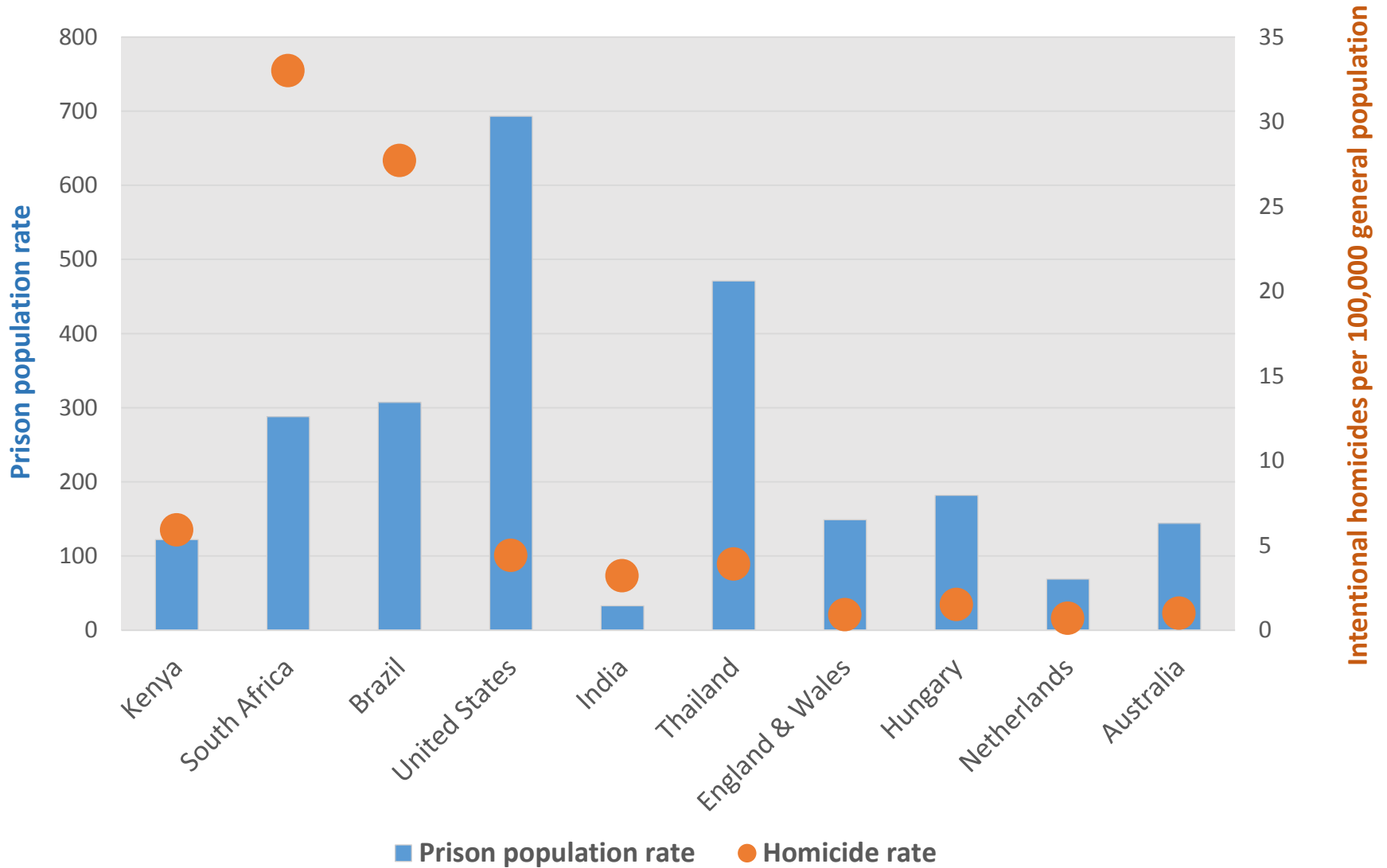
# Understanding trends in imprisonment

- Criminal justice practices:
  - numbers detained & for how long
  - severity & risk aversion in decision-making
  - detection & prosecution rates
- Offending levels
- Criminal law & CJ policies, procedures:
  - define ‘offences’ & those to be prioritised
  - set criteria for decision-making on custody
  - set framework of custodial provision & alternatives
- Extra-legal factors
- Political, geo-political & economic context

# Factors determining prison population size



## Prison population rates and intentional homicide rates, 2014\*



Homicide rates from UNODC Statistics: Crime and Criminal Justice (<https://data.unodc.org/>)

# Next stage of research

- Examine in close detail the ‘custody journey’ in each of the jurisdictions – from arrest to sentencing and release
- Through a focus on three hypothetical cases:
  - What is the policy & legal framework which governs (should govern) how they are dealt with?
  - How, in practice, is it likely that such cases would be dealt with?
- Through legal & policy analysis & defence practitioner interviews

# Three vignettes

- *A 32-year-old man broke into a house in when the residents were at work, accessing the rear of the house via a back alley and breaking a window to gain entry. He stole jewellery and cash belonging to one of the residents, worth a total of approximately [x]. The offender has several prior convictions for the same type of offence, and other acquisitive offences.*
- *A 26-year-old woman was recruited in her home country of [x] to transport heroin in return for a cash payment. She had flown to [x] from her home country carrying the heroin in a hidden compartment in a money belt. The quantity of heroin was 400 grams, or a little under 1 lb. She had no prior convictions.*
- *Two 23-year-old friends, L and J, got into an argument while drinking together in a bar. Both left the scene, and L texted a mutual friend to say that he was going to kill J. The next morning, on leaving his home for work, J was confronted by L who had been waiting for him outside his property. L was armed with a knife, which he used to stab J fatally in the chest. He had no prior convictions.*

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