PRISON POPULISM IN LATIN AMERICA

Reviewing the Dynamics of Prison Population Growth

Carlos Vilalta and Gustavo Fondevila
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PRISON POPULISM IN LATIN AMERICA

Reviewing the Dynamics of Prison Population Growth

Carlos Vilalta¹ and Gustavo Fondevila²

Introduction

Not much information can be found on the size and trends of the prison population in Latin America. Over the past few years, our knowledge base has started to increase. Now we know, with certainty, that prison populations have been growing much faster than the general population, and that their living conditions are extremely harsh.³ Thus it should not surprise us when we often hear of deadly prison riots happening in countries like Brazil, Venezuela, and Mexico, as consequence of overcrowding and poor living conditions. Although living conditions in prisons in the region are still appalling, rapid growth seems to have come to an end. Trend data suggests that the Latin American prison population rate has stabilized.

The objective of this study is to offer a data-driven review of the growth, trends, and the principle reasons behind the rapid expansion of the prison population in the region during the past two decades. A key factor appears to be the rise of prison populism. We do not provide an argument for the recent decrease in the growth rate, it is too early to determine whether the recent slow-down in prison population growth is due to a regime shift in the time series, or the effect of random variation. Still, ceteris paribus, we provide a projection of the prison population rate for the region.

This Strategic Note fills a gap in the literature. Our particular contribution consists of the compilation on quantitative data of the region’s prison population, with the purpose of providing a broad but novel overview of the rapid growth and challenges to a wide audience of researchers and practitioners worldwide.

¹ Center for Research in Geospatial Information Sciences (CentroGeo), Mexico City, Mexico.
² Center for Economic Research and Education, Mexico City, Mexico.
³ Bergman (2004); Carrion (2014); Vilalta; Fondevila (2013); Vilalta; Fondevila (2014).
Is rapid growth a problem?

More than 10.4 million people (including pre-trial detainees and convicts) are held in penal institutions worldwide. Of this, approximately 1.4 million (12.6%) are in Latin America. It must be noted that most of this growth has occurred in the last decade, and that the growth of this population (60.5%) is several times that of the general population (19.8%). Also, with the exception of the Netherlands, it seems prison facilities across the world are already operating at full capacity or are dramatically over-crowded.

A number of major concerns are often advanced when it comes to rapid growth of prison populations. One is inmate overcrowding. A key problem associated with inmate overcrowding is that it leads to the deterioration of living conditions and can contribute to a wide variety of mental and physical health problems.

Other problems associated with prison crowding include the reduction in the quality of staff-prisoner relationships, inmate and staff safety, and prison services.

The case of Mexico is particularly disconcerting. Specifically, approximately 30.3% of all prison inmates in the country lack access to drinking water in their cells. More than half of those who have drinking water (59.2%) do not believe that it is safe to drink.

It is often argued that low quality prison services can lead to a negative social environment, undermine rehabilitation and reduce the chances of inmates successfully re-entering society. In addition, prison overcrowding and the resulting environmental strain seem to trigger higher levels of inmate misconduct. However, it is also argued that the effect is not statistically substantial. What is more, there are also concerns associated with litigation and overcrowding and increased (and unproductive) spending on criminal justice more generally.

The negative effects of prison overcrowding have been observed after inmates are released back into society. If a history of incarceration already increases the likelihood of health problems prison crowding predicts higher rates of parole violations after release from prison, particularly for drug charges.

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4 Walmsley (2016).
6 Albertie; Bourey; Stephenson; Bautista-Arredondo (2017); Fazel; Ramesh; Hawton (2017); Pérez; Duque; López (2015); Rabe (2012); Ginneken; Sutherland; Molleman (2017).
7 Bergman (2014); Molleman; Ginneken (2015); Vilalta; Fonddevila (2014).
9 Harding (2014).
10 Morris; Caniaga; Diamond; Piqueto; Piquero (2012); Steiner; Butler; Ellison (2014); Wooldredge; Steiner (2009).
11 Franklin; Franklin; Pratt (2006).
12 Guetzkow; Schoon (2015); Lugo; Wooldrege (2017).
13 Schnittker; John (2007).
14 Ruderman; Wilson; Reid (2015).
How big and fast is the prison population growing?

In 2016, a total of 10.4 million people were recorded as held in penal institutions worldwide. The global incarceration rate was approximately 44 per 100,000 inhabitants. In Latin America, that is, the Spanish and Portuguese speaking portions of the American continent, the total number of prison inmates was 1.4 million, or roughly 241 inmates per 100,000 inhabitants.

The size of the Latin American prison population has doubled since 2000. No other continent has witnessed similarly high prison population growth rates. In Latin America, the prison inmates has grown faster than the general population. Moreover, prison inmates growth was accelerating until 2014, after which it started to slow and stabilize (Figure 1).

**Figure 1.** Incarceration rate per 100,000 in Latin America (2000-2018)

Source: Estimates based on Institute for Criminal Policy Research (ICPR) data and UN data. N = 19

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15 Walmsley (2016).
16 Walmsley (2016).
We believe a plateauing of prison population rates was reached in 2018 (Table 1). It is likely that the prison population will continue increasing incrementally, likely at a rate of 0.1% a year. Despite this slow-down, Latin America’s prison population rate will still remain proportionately higher than the rest of the world.

**Table 1.** Latin America’s project prison population (2018-2030)

<table>
<thead>
<tr>
<th>Year</th>
<th>Prison population</th>
<th>General population</th>
<th>Prison inmate Rate*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>1,487,767</td>
<td>617,224,891</td>
<td>241</td>
</tr>
<tr>
<td>2020</td>
<td>1,555,380</td>
<td>645,275,215</td>
<td>241</td>
</tr>
<tr>
<td>2022</td>
<td>1,626,065</td>
<td>674,600,312</td>
<td>241</td>
</tr>
<tr>
<td>2024</td>
<td>1,699,963</td>
<td>705,258,112</td>
<td>241</td>
</tr>
<tr>
<td>2026</td>
<td>1,777,220</td>
<td>737,309,183</td>
<td>241</td>
</tr>
<tr>
<td>2028</td>
<td>1,857,987</td>
<td>770,816,843</td>
<td>241</td>
</tr>
<tr>
<td>2030</td>
<td>1,942,425</td>
<td>805,847,288</td>
<td>241</td>
</tr>
<tr>
<td>Change</td>
<td>454,658</td>
<td>188,622,397</td>
<td>241</td>
</tr>
<tr>
<td>Change (%)</td>
<td>23.4%</td>
<td>23.4%</td>
<td></td>
</tr>
</tbody>
</table>

Source: Own estimates based on Institute for Criminal Policy Research (ICPR) data and UN data. N = 19

*Per 100 thousand inhabitants.

While these figures are worrisome, they are by no means representative of all Latin American countries. Each country has a different prison population rate and trajectory with a high concentration of prisoners in a small number of countries. The countries with the largest prison populations are nowadays Brazil, Mexico and Colombia, with 607,000, 255,000 and 121,000 respectively. These three countries account for 68.5% of the entire prison population in the region. Cross country variation is significant and not due to data validity issues.

Figure 2 indicates that the highest prison population rates are concentrated in Central America, namely Belize, Costa Rica, El Salvador and Panama. But again, there is considerable variation within central America. Guatemala and Nicaragua are well below the regional average. Likewise, in South America, Argentina, Bolivia, and Paraguay register far lower prison population rates than their neighbors.

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17 Walmsley (2016).
18 As The Institute for Criminal Policy Research (ICPR) collects valid and reliable data from primary sources worldwide.
**Figure 2.** Latin American prison population rates (2016)

Source: Institute for Criminal Policy Research (ICPR) data. N = 22 as it includes the Guianas and Suriname.
The most likely explanation

Latin America’s rapid prison population growth did not occur by accident. The Iron Law of Prison Populations states that the size of a prison population is determined by two factors: how many people go to prison and how long they stay.\textsuperscript{19} In this regard, it stands to reason that the growth is related to an increase in punitive attitudes and policies across the region.

The rise of punitive attitudes and policies in Latin America is well documented.\textsuperscript{20} Among the reasons that might explain mass incarceration, are the failure of public institutions to adequately address to crime and poverty.\textsuperscript{21} There has been a noticeable rise in mano dura rhetoric across the region. The turn to repressive approaches to law and order is due in part to growing disillusionment with democracy, on the one hand, and deepening inequality on the other. It is likely that neo-liberal economic policies pursued during the 1980s and 1990s are partly to blame.\textsuperscript{22} Sensationalist accounts of crime and victimization have also strongly influenced electoral campaigns and penal policy across the region.\textsuperscript{23} The media has also played a role in exacerbating fear of crime and reinforcing punitive attitudes among the public.\textsuperscript{24}

Punitive policies could not develop without tacit support from the elites (from above) or the general population (from below). A considerable proportion of Latin Americans support “tough on crime” and punitive approaches pursued by law enforcement. More than a third of victims of crime are in favor of the police occasionally breaking the law to fight crime (Figure 3). In fact, the proportion of Latin Americans in favor of reducing crime by severely punishing criminals increased from 47.1\% in 2012, to 54.5\% in 2014.

\textbf{Figure 3.} Reported victim support for police ‘breaking the law’ to fight crime in Latin America (2004-2014)

<table>
<thead>
<tr>
<th>Year</th>
<th>Police may occasionally break the law</th>
<th>Increase punishment of criminals</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>34.0</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>45.2</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>39.3</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>39.9</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>34.8</td>
<td>47.1</td>
</tr>
<tr>
<td>2014</td>
<td>37.6</td>
<td>54.5</td>
</tr>
</tbody>
</table>

Source: LAPOP data.

\textsuperscript{19} Clear; Austin (2009).
\textsuperscript{20} Barahona; Lejarraga (2011); Müller (2012); Hathazy; Müller (2016).
\textsuperscript{21} Iturralde (2018).
\textsuperscript{22} Beckett; Godoy (2008); Hathazy (2013).
\textsuperscript{23} Müller; Sozzo (2016).
\textsuperscript{24} Bonner (2018).
There are signs of increased tendencies of Latin American states to adopt punitive approaches to controlling crime. In Mexico, this is evidence by an upward trend among judges to allocate ever harsher sentences. Figure 4 shows that the average sentence for convicts that committed homicide in the Mexico City Metropolitan Area more than doubled between 2002 and 2013, rising from 16.3 years to 38.6 years.

**Figure 4.** Average sentence length (years) for convicts of homicide in the Mexico City Metropolitan Area (2002 - 2013)

<table>
<thead>
<tr>
<th>Year</th>
<th>Sentence Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>16.3</td>
</tr>
<tr>
<td>2009</td>
<td>23.7</td>
</tr>
<tr>
<td>2005</td>
<td>34.3</td>
</tr>
<tr>
<td>2002</td>
<td>38.6</td>
</tr>
</tbody>
</table>

Source: Calculations with the Mexico City and State of Mexico Prison Surveys.

The future of prison population growth in Latin America

We have provided evidence that rapid prison population growth in the region seems to have slowed since 2014. It is likely that Latin America’s prison population plateaued in 2018. This was not the case at the beginning of the twenty first century. During the first decade of this century, the prison population was growing rapidly, even if it varied from country to country. While Latin America’s prison population rates are still the highest in the world, they recently stabilized.

25 Fortete; Cesano (2009).
The rise in prison populations appears to be connected to the concomitant rise in prison population. We have provided evidence of punitive attitudes in the region. These attitudes seem to be associated with low confidence in democracy and disenchantment with neoliberal economic policies. It may be that, given other circumstances, penal populism would not have developed in the manner observed in Latin America. Explanatory, explanatory research is needed to demonstrate if penal populism, as we argue here, was the main reason behind the rapid expansion of prison populations across the region.

An outstanding priority is to improve the living conditions of prisons. We have shown evidence of the negative effects of living in prisons under poor conditions such as overcrowding. Among the effects are mental health issues, exposure to high rates of in-prison victimization, inmate misconduct, and higher rates of parole violations. These effects may not be eliminated entirely, but perhaps attenuated by reducing prison overcrowding. Notwithstanding the exceedingly high levels of inmates and poor conditions, the stabilization of prison population growth is moderately good news for the region as a whole.
References


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