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## **CONDITIONS OF PRISON OVERCROWDING AND RE-ENTRY INTO PRISONS IN PERU**

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## **ABSTRACT**

The objective was to estimate the causality between prison overcrowding on re-entry to prisons in Peru during the year 2021. The methodology was explanatory with a mixed approach. Obtaining as a result that the penitentiary overcrowding is not completely decisive for the re-entry of inmates to penitentiary establishments; In addition to overpopulation, there would be other contributing factors such as prison administration, health within penal establishments, drug trafficking, family support, among others. Concluding that the penitentiary system is going through a systematic crisis, since it would not be fulfilling the purpose of resocializing, reeducating and reinserting inmates, since it has been noted that in all penal establishments in Peru there are re-entries of inmates.

## **KEYS WORDS**

Overcrowding, prison overcrowding, reentry, inmate, penitentiary establishments

**Summary:** I. Introduction. II. Methodology. III. Results. IV. Discussion V. Conclusions. Bibliography.

## **I. INTRODUCTION**

Prison overcrowding in Latin America is one of the biggest problems facing governments today. Thus, Peru is no stranger to this reality and to the tragic situation that prison overcrowding represents for the prison population. In this vein, penitentiary establishments are designed for a precise number of prison population, and exceeding the standard amount of the prison population generates problems for the treatment of the population deprived of their liberty.

In this way, prison overcrowding would mean exceeding the permitted capacity of the population. However, it is not limited only to the excess demand for space, but also implies a pressing continuous need for resources of different kinds to guarantee a dignified life. An inmate requires means to achieve rehabilitation, reincorporation and resocialization, such as resources related to health, education, food, legal assistance, among others.

Penitentiary overcrowding involves the agglutination or crowding of inmates in prisons, since people exceed the maximum capacity of prisons (Robles, O., 2011).

In other words, prison overcrowding means the agglutination of people in prisons, so that they exceed their maximum capacity (Arrias, J., Plaza, B., and Herráez, R., 2020). That is, it refers to the fact that the occupancy rate of a prison exceeds its operational capacity (Ulloa, J., and Araya, M., 2016). Thus, for example, overcrowding occurs when the prison population exceeds twenty percent of its real capacity, this is for example when there are more than one hundred and twenty people in spaces planned for one hundred (Díaz, R., and Quirós, K., 2017). In other words, it implies the overcrowding of people in prisons beyond their maximum permitted capacity. This is generated when there is a prison population that exceeds the capacity of prisons to house people in an orderly and organized manner (Madrigal, R., 2012).

In short, this means that more inmates reside in prisons than their own capacity could bear. But this does not only imply the capacity to house a person, but also means that logistical and human resources are not sufficient for inmates in a prison, and the quality of life of inmates is greatly impaired.

The level of density of the prison population causes a considerable decrease in the physical space, aspects and quality of life, of its basic services that are not in accordance with human dignity and as a consequence do not allow the purposes for which these establishments were created to be fulfilled (Echeverry, Y., 2017). Therefore, we must bear in mind that inmates are deprived of their freedom of movement, but not of their human dignity. Therefore, overcrowding has a negative impact – without a doubt – on the dignity of each of the inmates.

In this sense, prison overcrowding is due to different factors or causes that contribute to its decline. For example, the increase in the criminalization of behaviors, increase in penalties, reduction of prison benefits, small number of penitentiary establishments (Robles, O., 2011). In addition to what has been argued, it also has a broad influence on the use of populist Criminal Law or the overflow of punitive power.

Overcrowding is also based on structural inefficiencies. This influences the fact that it is intended to combat crime with greater penalties, prioritizing repression over prevention (Chavez, A. and Sarmiento, K., 2021).

Likewise, we have other causes such as the poor quality of the programs taught in prisons, as well as the lack of instruments, clothing and implements for the achievement of the resocialization of the inmates, the poor training of the penitentiary agents which clearly also affects the inmates (Hernández, N., 2017).

De In this way, the failure of the system has repercussions to the continuous imprisonment of a person, since said defense should ensure the minimum protection of living conditions, however, this is far from reality (Stippel, J., Medina, P., and Lillo, R., 2020).

Consequently, human dignity is ignored by the flagrant and massive violation of fundamental rights in prisons (Arcos-Troyano, J., 2019). These aspects are even more serious when the inmates are a group of people with special vulnerability, since they have been relegated and neglected.

From another perspective, we have the implementation of comprehensive policies, from a criminal perspective, which should not use the prison sentence in an excessive way; from a criminal procedural field, it would be important to strengthen the use of alternative measures for the resolution of criminal conflicts; and from a criminal enforcement orientation, greater benefits must be provided to decongest prisons (Robles, O., 2011). In addition, there are legislative modifications on aspects of criminal policy (Carballo, S., 2019). It is therefore important to work articulated from different perspectives to mitigate the problem of prison overcrowding.

On the other hand, a solution provided is the declaration of the state of affairs unconstitutional so that the State through its different organs provide articulated solutions to protect the rights of prisoners (Arcos-Troyano, J., 2019). In addition to the above, the incorporation of electronic surveillance over prison as alternative penalties is proposed as an alternative (Nunovero, L., 2017).

The situation of overcrowding not only hinders the life of the condemned person inside the prison walls, but also makes it impossible for him to develop personally

outside them and invites him to return, in the face of the inevitable temptation of recidivism, motivated by the lack of opportunities and the absence of awareness of socially established parameters (Hernández, N., 2017).

However, it is very common to observe in the penitentiary system the re-entry to penitentiary establishment of people who would have already been in prisons, this is due to different factors such as the difficulty of socializing, the perennial stigma with which they have been deprived of their liberty, prison overcrowding, lack of services, police action, among others (Barukel, G., 2018). In addition to the above, prisons rather than resocializing serve as centers of criminal indoctrination, which does nothing more than cause a person to re-offend and re-enter such places.

Similarly, the majority of people who re-entered prisons are due to lack of family support, the commission of serious crimes previously, mental health problems (Ciapessoni, F., 2019). There are even people who re-enter prisons multiple times (Morales, A., Pérez, P., and Welsch, G., 2016).

It should be noted that people who re-enter prison are due to the lack of actions aimed at social reintegration (Sanchez, J., 2001). It is likely that, due to their minimal opportunities, lack of support, their vulnerability in society, leads them to return to re-enter prisons (Marcuello-Servós, C., and García-Martínez, J., 2011). It should be noted that the State, through its prison policies, is responsible for reducing all these causes of re-entry into prisons over the years. In short, the State is responsible for instituting sound prison policies that guarantee respect for inmates, which, in turn, will have an indirect and positive impact on society as it will prevent prisoners from committing crimes again.

About the background of the present research we have Fazel and Wolf (2015) who proposed to systematically review recidivism rates at the international level and thus determine their relationship on overcrowding. Obtaining results such as that in the US 55% of the discharges of penitentiary establishments are sentenced again, appearing similar results in France and England. Similarly, one of the most important works in this field is that carried out by Dr. Gary Becker (1968) who studies the relationships between prison conditions and recidivism of the convict, from a perspective of the economic analysis of law.

It should be made clear that it is of vital importance to carry out penitentiary investigations in order to diagnose possible causes of the prison crisis that, in Latin America, although it is far from thinking that it would be beneficial for society to have decent spaces for the prison population, this would contribute to knowing more about the problem and providing possible solutions.

We must not ignore the vulnerability experienced by this type of population, due to various factors such as exclusion and inequality. Therefore, every Democratic State has to ensure that, in the prison context, prisoners can receive the same care as a citizen at liberty (Brugal, M., 2012).

Therefore, overcrowding in general can count on a variety of consequences that further increase the possibility of producing re-entry to a penitentiary establishment, which is why it was proposed as an objective of this research to estimate the causality between prison overcrowding on re-entry to prisons in Peru during the year 2021.

## **II. METHODOLOGY**

The methodological design that was carried out is an explanatory level methodology with a mixed approach, which will be divided into two stages. The first stage is the realization of theoretical analysis with a qualitative approach of the analytical-rational type that will aim to generate information that allows identifying key elements of prison overcrowding and its influence on re-entry into prisons.

La segunda etapa es un análisis empírico de enfoque cuantitativo, descriptivo y transversal con la finalidad de realizar observación y análisis de datos recopilados a través del portal de transparencia pública del Ministerio de Justicia en la cual está adscrito el Instituto Nacional Penitenciario, sobre la base de datos de la población penitenciaria que reingresaron durante el año 2021 a establecimientos penitenciarios

Data were subsequently processed using an Excel sheet of the variables included, such as re-admissions to prisons in Peru and the total prison population in Peru.

In this way, it will allow to accurately and systematically describe the influence that prison overcrowding has had on the re-entry to prisons during the year 2021.

### III. RESULTS

**Table 1**

***Rate of re-entry to prisons of the Norte-Chiclayo regional office, 2021***

Prison	Capacity of Accommodation	Criminal population	Overpopulation %	Inmates re-entering prisons	Re-entry rate
North Regional Office – Chiclayo	6,946	16,403	136%	3409	21%
Prison of Tumbes	576	1,121	94%	259	23%
Prison of Piura	1,370	3,763	174%	977	26%
Women prison of Sullana	194	140	-27%	28	20%
Prison of Chiclayo	1,143	3,412	198%	674	20%
Prison of Trujillo	1,518	5,185	241%	1118	22%
Women prison of Trujillo	296	451	52%	27	6%
Women prison of Pacasmayo	72	94	30%	9	10%
Prison of Cajamarca	1,512	1,931	27%	266	14%
Prison of Chota	65	77	18%	8	10%
Prison of Jaén	50	170	240%	30	18%
Prison of San Ignacio	150	59	-60%	13	22%

*Note:* This table reflects the housing capacity for the population of the prisons of the North Chiclayo Regional Office; it also specifies the number and percentage of inmates who re-entered said prisons.

Table 1 shows the rate of re-entry in the prisons of the Norte-Chiclayo regional office, which includes 11 prisons, of which 3 are women's prisons. The highest rates of overpopulation above 100% are E.P. Piura, E.P. Chiclayo, E.P. Trujillo and E.P. Jaén, all of them of males, of which the first three exceed 20% of re-entry

rate, only the E.P. of Jaén has a re-entry rate of less than 20%, despite its high rate of overpopulation. It should be considered that the women's EP of Trujillo has the lowest re-entry rate despite having an overpopulation of 52%. Similarly, the women's EP of Pacasmayo has a low re-entry rate of only 10% despite having an overpopulation of 30%

**Table 2*****Rate of re-entry to prisons of the Lima regional office, 2021***

Prison	Accommodation capacity	Criminal population	Overpopulation %	Inmates re-entering prisons	Re-entry rate
Lima Regional Office	17,607	41,398	135%	12991	31%
Prison of Huaraz	598	1,181	97%	213	18%
Prison of Chimbote	1,144	2,930	156%	1050	36%
Prison of Callao	572	3,243	466%	970	30%
CEREC – Naval Base	8	5	-37%	2	40%
Women prison of Chorrillos	450	729	62%	126	17%
Women prison annex of Chorrillos	288	422	46%	115	27%
Prison of Lurigancho	3,204	9,228	188%	2278	25%
Prison Miguel Castro Castro	1,142	4,855	325%	2287	47%
Women prison of Virgen of Fátima	548	289	-47%	43	15%
Prison of Ancón I	1,620	2,220	37%	1072	48%



Prison of Barbadillo	2	1	-50%	1	100%
Prison of Ancón II	2,216	1,460	-34%	237	16%
Prison of Virgen de la Merced	42	29	-30%	8	28%
Prison of Huacho	644	1,934	200%	645	33%
Prison of Cañete	1,024	2,720	165%	968	36%
Prison of Huaral	1,029	2,963	187%	1288	43%
Prison of Ica	1,924	4,463	131%	1293	29%
Prison of Chíncha	1,152	2,726	136%	395	14%

*Note:* This table reflects the shelter capacity for the population of the prisons of the Lima Regional Office; it also specifies the number and percentage of inmates who re-entered said prisons.

Table 2 presents the Lima region, which is the region with the largest prison population in Peru and with highly overcrowded prisons, such as the E.P. del Callao with 466% and the E.P. Castro Castro with 325%, which coincide with a high rate of re-entry to the penitentiary establishment with 30% and 47%. respectively. On the contrary, it should be taken into consideration that the Ancon II Penitentiary Establishment has a population lower than its capacity to create -34% and likewise the E.P. of women Virgen de Fátima -47% because although they have a re-entry rate this is lower than the common denominator with 16% and 15%. We must consider that prisons such as Naval Base and Barbadillo are for special prison population such as people who held high positions in the public service or population that requires high security; therefore, their shelter capacity is low.

**Table 3*****Rate of re-entry to prisons of the South-Arequipa regional office, 2021***

Prison	Accommodation capacity	Criminal population	Overpopulation %	Inmates re-entering prisons	Re-entry rate
South Regional Office - Arequipa	1,252	3,626	190%	900	25%
Prison of Arequipa	667	1,925	188%	505	26%
Women prison of Arequipa	67	149	122%	20	13%
Prison of Camaná	78	360	361%	68	19%
Prison of Moquegua	178	242	35%	64	26%
Prison of Tacna	222	853	284%	216	25%
Women prison of Tacna	40	97	142%	27	28%

*Note:* This table reflects the shelter capacity for the population of prisons of the South-Arequipa Regional Office; it also specifies the number and percentage of inmates who re-entered those prisons.

Table 3 shows that all the prisons of the South-Arequipa Regional Office have prison overcrowding, where most have a re-entry rate of more than 20 per cent, with the exception of the Arequipa women's penitentiary establishment, which has a 13 per cent re-entry rate.

**Table 4*****Rate of re-admissions to prisons of the Centro-Huancayo regional office, 2021***

Prison	Accommodation capacity	Criminal population	Overpopulation %	Inmates re-entering prisons	Re-entry rate
Regional Central Office - Huancayo	2,352	6,437	174%	1069	17%
Prison of Huancayo	680	2,019	196%	404	20%
Women prison of Concepción	105	26	-75%	4	15%
Prison of Chanchamayo	120	686	471%	133	19%
Women prison of Jauja	373	106	-71%	10	9%
Prison of Tarma	48	112	133%	21	19%
Prison of the Oroya	64	49	-23%	10	20%
Prison of Rio Negro	216	657	204%	83	13%
Prison of Huancavelica	60	239	298%	46	19%
Prison of Ayacucho	644	2,394	271%	341	14%
Prison of Huanta	42	149	254%	17	11%

*Note:* This table reflects the housing capacity for the population of the prisons of the Centro-Huancayo Regional Office; it also specifies the number and percentage of inmates who re-entered said prisons.

Table 4 presents the E.P of women of Jauja as the prison with the lowest overpopulation by -71%, which coincides with a low rate of re-admissions at 9%. On the contrary, the E.P. of Chanchamayo is the most overpopulated with 471% followed by the E.P. of Huancavelica with 298% where both have a high re-entry rate with 19%.

**Table 5*****Rate of re-entry to prisons of the Oriente-Huánuco regional office, 2021***

Prison	Accommodation capacity	Criminal population	Overpopulation %	Inmates re-entering prisons	Re-entry rate
Western Regional Office - Huánuco	3,240	6,200	91%	1340	22%
Prison of Huánuco	1,344	3,098	130%	628	20%
Women prison of Cerro De Pasco	96	19	-80%	2	11%
Prison of Cochamarca	1,224	726	-40%	115	16%
Prison of Pucallpa	576	2,357	309%	595	25%

*Note:* This table reflects the shelter capacity for the population of the prisons of the East-Huánuco Regional Office; it also specifies the number and percentage of inmates who re-entered said prisons.

Table 5 presents the P.E. of women from Cerro de Pasco with the lowest overpopulation, exactly -80% that coincidentally has the lowest rate of readmissions at 11%. On the contrary, the E.P. of Pucallpa is the most overpopulated with 309% which in turn is the one with the highest re-entry rate at 25%.

**Table 6*****Rate of re-entry to prisons of the Southeast-Cusco regional office, 2021***

Prison	Accommodation capacity	Criminal population	Overpopulation %	Inmates re-entering prisons	Re-entry rate
South East Regional Office - Cusco	2,918	5,324	82%	878	16%
Prison of Abancay	90	416	362%	67	16%
Prison of Andahuaylas	248	507	104%	64	13%
Prison of Cusco	1,616	2,687	66%	459	17%

Women prison of Cusco	198	145	-26%	21	14%
Prison of Sicuani	96	174	81%	22	13%
Prison of Quillabamba	80	380	375%	52	14%
Prison of Puerto Maldonado	590	1,015	72%	193	19%

*Note:* This table reflects the shelter capacity for the population of prisons of the South East-Cusco Regional Office; it also specifies the number and percentage of inmates who re-entered those prisons.

Table 6 presents low re-entry rates, where the women’s EP of Cusco is the one with the lowest overpopulation by -26%, which in turn is one of the prisons with the lowest re-entry rate by 14%.

**Table 7**

***Rate of re-entry to prisons of the Nororiente-San Martin regional office, 2021***

Prison	Accommodation capacity	Criminal population	Overpopulation %	Inmates re-entering prisons	Re-entry rate
North East					
Regional Office - Saint Martin	5,352	5,399	1%	957	18%
Prison of Moyobamba	675	846	25%	147	17%
Prison of Juanjuí	970	866	-10%	122	14%
Prison of Tarapoto	222	398	79%	48	12%
Prison of Sananguillo	966	820	-15%	71	9%
Prison of Iquitos	1,184	1,044	-11%	287	27%
Women prison of Iquitos	78	38	-51%	8	21%
Prison of Yurimaguas	406	379	-6%	64	17%

Prison of Chachapoyas	732	740	1%	152	21%
Prison of Bagua Grande	119	268	125%	58	22%

*Note:* This table reflects the housing capacity for the population of the prisons of the North-East Regional Office-San Martin; it also specifies the number and percentage of inmates who re-entered those prisons.

Table 7 presents the P.E. of Bagua Grande as the most overpopulated with 125%, which is the second with the highest re-entry rate. We must take into account different results to our application such as the E.P. of Iquitos which, despite having low overpopulation, has the highest re-entry rate at 27%.

**Table 8**

*Rate of re-entry to prisons of the Altiplano-Puno regional office, 2021*

Prison	Accommodation capacity	Criminal population	Overpopulation %	Inmates re-entering prisons	Re-entry rate
Plateau Regional Office - Puno	1,456	2,458	69%	210	9%
Prison of Puno	778	788	1%	77	10%
Women prison of Lampa	44	158	259%	18	11%
Prison of Juliaca	420	1,351	221%	234	17%
Prison of Challapalca	214	161	-24%	14	9%

*Note:* This table reflects the shelter capacity for the population of prisons the Regional Office of Altiplano-Puno; It also specifies the number and percentage of inmates who re-entered those prisons.

Table 8 shows that the female EP of Lampa has an overpopulation of 259% and has a re-entry rate of 11%. In addition, the Juliaca P.E. has a prison population of 221%, coinciding with the highest rate of re-entry in the region at 17%. On the other hand, the E.P. of Challapalca has the lowest overpopulation with 24% coincidentally with the lowest overpopulation rate with 9%.

## IV. DISCUSSION

From the research in commentary, it has been shown that the regional office of Arequipa has the highest rate of prison overcrowding, since it exceeds its operational or shelter capacity by 190%, and is the second regional office with the highest rate of re-entry, having a rate of 25%. Note that there is an indicator of partial correspondence between the office with the highest rate of overcrowding with the office with the second highest rate of re-entry of inmates to prisons, even though this office has only 6 prisons under its administration. Next, we have that the third regional office with the highest overpopulation is that of the North-Chiclayo, having a 136% overpopulation, being the fourth regional office with the highest rate of re-entry, with a total of 21% re-entry. In this way, there is also a partial correlation with the rate of re-entry of inmates to prisons, being the third and fourth, respectively. From the above, it can be concluded that in the regional office of Arequipa y del Norte-Chiclayo there is a partial coincidence in the overcrowding index with the rate of re-entry of inmates to prisons.

Likewise, a fact that should be emphasized is that the regional offices whose overcrowding rates exceed 100% are the offices of Arequipa, Centro-Huancayo, Norte-Chiclayo and Lima and are those same regional offices that have a high rate of people who re-entered prisons, having 25%, 17%, 21%, and 31%, respectively. In other words, the rate of overpopulation coincides with the rate of re-entry. In addition to the above, it should be noted that the regional office of Puno is one of the offices with less overcrowding, having 69%, which coincides with having less re-entry of people, since it only has 9% re-entry of people, being the regional office with less re-entry, since all other offices have more than 15% re-entry. Thus, there is a degree of congruence between the low overcrowding in the face of the low rate of re-entry of inmates in the regional office of Puno.

Note that some of the regional offices with the lowest rate of overpopulation are, Cuzco and Puno, since they do not exceed 100%, having a total of 82% and 69%, respectively, and are in these offices that have the lowest rates of income, so for example it is evident that they have 16 and 9%, correspondingly. In this way, a constant is being glimpsed between the low rate of overcrowding and the lower rate of re-entry of interns in these regional offices.

What has been noted in the preceding paragraphs highlights a congruence – at least partial – that the greater the number of overcrowdings, the greater the rate of re-entry of inmates to prisons. Contrary sense, as stated, less overcrowding, would correspond to a lower amount of re-entry of inmates. The above is a plausible situation, since the greater the number of inmates in a penitentiary establishment, the more difficult it would be to fulfill the purposes of the penitentiary system, since they have greater logistical and human requirements since there is a greater number of inmates who deserve to be treated. Therefore, - added to other factors such as lack of family support, lack of opportunities, stigmatization, lack of training, etc. - inmates who are in prisons – or regional offices – with a high rate of overcrowding would be more likely to repeat the commission of a crime and, as a logical consequence, be re-interned in a penitentiary establishment.

From the perspective of male prisons, we have seen that all prisons have a re-entry of people, with at least 6% re-entry. In addition, the E.P. of Callao has an overpopulation of 466%, while the E.P. Castro Castro has 325%, which coincide with a high rate of re-entry to the penitentiary establishment with 30% and 47%, respectively. In addition to the above, the prison with the highest prison overcrowding is the Chanchamayo Prison, belonging to the Centro-Huancayo office, while it has a surplus of 471% and has a 19% re-entry rate. The widespread overcrowding does not coincide with the high rate of re-entry of inmates. The latter is an important indicator; However, it is not decisive, since in most men's prisons there was a correlation between the high rate of overcrowding and the high rate of re-entry to prisons. In summary, all men's prisons have – at least – a 6% re-entry rate, and there is no prison that is exempt from a re-entry rate.

Turning the analysis, we have glimpsed that the women's prisons in the southern part of Peru are the ones with the largest population. For example, the women's prisons of Lampa, Tacna and Arequipa, which have a surplus prison population of 259%, 142% and 122%. Having a re-entry rate, not so comfortable, but the truth is that they have a re-entry rate of inmates to these prisons.

In a contrary sense, we have that the women's prisons with the lowest population index are the women prison of Concepción and women of Cerro de Pasco with a population lower than their operational capacity, since they have -75% and -80%



overcrowding, which have a low rate of re-entry of inmates, amounting to 15% and 14%. respectively. It should also be pointed out that the above-mentioned prisons and all women's prisons have a re-entry rate; for example, the women's prison of Concepción and Virgen de Fátima have a re-entry rate of 15% and 11% respectively.

With special emphasis it should be noted that women's prisons have much less overcrowding and re-entry rate than men's prisons. This fact is widely verified even from the number of prisons, since most of them house men than women.

In order to analyze the prisons with the greatest overcrowding with a view to their re-entry, it is necessary to first compare the regional offices. In the first instance, it should be noted that the regional office in Arequipa has a higher rate of prison overcrowding, exceeding its capacity by 190 per cent; However, it is not the regional office with the highest re-entry rate, since it only has 25%. In the second instance, the regional office with the highest re-entry rate is the regional office in Lima, with a total of 31%; However, this office is not the first office with overcrowding, but it is the fourth regional office. From what was exposed, it is evident that although they do not have a total correspondence between the rate of overcrowding and re-entry, those offices where there is a large overpopulation are accompanied by a considerable rate of re-entry of inmates.

However, the prison with the highest overcrowding is the Chanchamayo Prison, with an overpopulation of 471 per cent, with 19 per cent of the prison population re-entering, a high rate of re-entry, but not the highest; the prison with the highest re-entry rate is the Barbadillos and Miguel Castro Castro prisons, with 100% and 47%, respectively. Note that both prisons correspond to the regional office of Lima, which is the department with the largest population in Peru.

In order to analyze the prisons with less overcrowding considering their re-entry, it is imperative to compare the regional offices. In the first place, it should be noted that the regional office in San Martín has the lowest rate of prison overcrowding, since it exceeds its capacity by 1 per cent; however, it is not the regional office with the lowest re-entry rate. In the second instance, the regional office with the lowest re-entry rate is the regional office in Puno, with a total of 9%; However, this office

is not the first office with less overcrowding, but is the second regional office.

In addition to the above, the prisons with the least overcrowding are the women's prisons of Concepción and Virgen de Fátima, with a population lower than their operational capacity, since they have -75% and -80% overcrowding, but 19% and 15% of re-entry of the prison population, not having the lowest rate of re-entry; the prison with the lowest re-entry rate is the women's prison in Trujillo, with 6%. Consequently, it is evident that the prisons with the lowest rate of overcrowding with a view to their re-entry are women's prisons.

In contrast, the tables have shown that most prisons have a high overcrowding, with very few that do not have overcrowding. In addition, a large part of the prisons with a high rate of overcrowding are associated with considerable rates of re-entry of inmates, which would be due to multiple factors, one of the most important being prison overcrowding, which would hinder their prison treatment, specifically in their re-education, rehabilitation, and reintegration into society. This situation highlights the pressing situation that our prison system is going through regarding prison overcrowding, since this factor means that it is not complied with to reintegrate an inmate into a society, and if it is fulfilled it would be provisional, since in a matter of a short time he will be re-interred in a penitentiary establishment. forming part of the rate of re-entry of inmates to the penitentiary system. What has been noted so far is an indicator that should lead us to seek solutions for the effective, efficient and effective fulfillment of prison treatment, in order to declutter prisons, therefore, reduce the rate of re-entry, and comply with the purposes of the penalty and the prison system.

Within the limitations of this study, it was possible to observe the collection of data with qualitative precision, that is, to obtain data such as the time that passed from their release from the prison to their re-entry into it, the crime for which they were convicted or prosecuted. Similarly, it is impossible to obtain more detailed data on the specific conditions of overcrowding beyond overcrowding, such as food, health, education, or visits.

Future research could continue to contribute to the subject and establish public prison policies that the Peruvian State should assume to improve the conditions of

both prison overcrowding and what it entails, in order to reduce the gaps that are generated to the inmate once he completes his sentence, and thus mitigate the rate of re-entry of inmates.

## V – CONCLUSIONS

It was determined that all prisons in Peru have a considerable rate of re-entry of inmates. Being at least 6% re-entry and at most 48%, this shows that the prison system is going through a systematic crisis, since it would not be fulfilling the purpose of resocializing, re-educating and reintegrating inmates. Whereas, in some prisons, prison overcrowding, lack of support for inmates, reduction of benefits, excessive penalties, among others, affect the purposes. In this way, it is evident that the penitentiary system urgently requires a solution to mitigate – at least – prison overcrowding and the re-entry of inmates.

It was evident that prison overcrowding is a problem that is rooted in all regional offices, except in the Nor Oriente – San Martín office, since in that region the prison population does not exceed 20%. This in turn is coupled with a high rate of re-entry of inmates. These problems of prison overcrowding or overcrowding are symptomatic and have repercussions on our prison system, which implies that programs for reintegration into society are not completed or adequately carried out, that programs such as safe prisons are not carried out in an accurate manner and, instead, they return to crime, re-entering prisons.

It was determined that women's prisons tend to have little or no overcrowding, as is the case of the Cerro de Pasco women's E.P. -80%, the women's E.P. of Concepción with -75%, the Jauja women's E.P. -71%, among others; coinciding with low re-entry rates such as 11%, 15%, 9% respectively, or the women's EP of Trujillo that has only 6% re-entry, coinciding between low re-entry rates and less overcrowding in women's prisons. This shows that female inmates are less likely to re-enter prisons than men, which could be since the number of women in a prison is much lower than that of men.

It was concluded that the regional office of Altiplano – Puno has a lower rate of re-entry, and in turn have a lower number of prison overcrowding. This should

be analyzed taking into account that the regional office of altiplano – Puno is the second regional office with the lowest prison overpopulation with only 9%, in turn it should be considered that the regional office – Puno is the one with fewer prisons to manage. In summary, there is a pattern – at least – that the less overcrowding there would be less re-entry of inmates into prisons.

It was concluded that the Lima regional office has the highest re-entry rate, being the fourth office with the highest number of overcrowdings, having a total of 135% re-entry. Although there is no coincidence between overcrowding and re-entry, consideration should be given to the number of prisons it administers and the number of inmates per prison, such as the Lurigancho P.E. with 9228, the Castro Castro P.E. with 4855 or the Ica P.E. with 4463, and the difficulty of administering these prisons in order to achieve the goals of the penitentiary system, must be specified. Consequently, the fact that there is no full or total consistency in this section does not imply zero consistency between overcrowding and the rate of re-entry of inmates, since a holistic approach should also be considered in addition to other factors, such as the number of prisons, the degree of danger of the inmates, the logistical and human resources allocated, among others.

It was noted that although in certain prisons the high rates of overcrowding have a significant influence on the rate of re-entry to the penitentiary establishment. On the contrary, there are certain prisons with results of low or no overcrowding, but high rate of re-entry, it would be demonstrated that overcrowding is not completely decisive, but it does contribute to the little or no success of the Peruvian prison system. In addition, other specific contributing conditions are required for the miserable level in which the penitentiary system finds itself, namely: such as the correct prison administration itself, health within the prison, prison corruption, drug trafficking, family support, job opportunities, restriction of prison benefits, among others, which would influence each specific case. Consequently, it was verified that prison overcrowding is a contributing factor to the poor Peruvian prison system. Therefore, it is necessary to seek palliatives to enervate the ravages generated by the factor of prison overcrowding and other factors, with the aim of solving holistically the Peruvian prison system that is going through a bloody crisis that in little or nothing contributes to reeducate, rehabilitate, and reintegrate a person.

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