

Large scale releases and public safety

Can governments safely release hundreds or thousands of people from prison? We offer 14 historical examples to show that, in fact, they already have.

by Peter Wagner, April 9, 2020

To protect the American public from COVID-19, schools have closed, non-essential stores have been shuttered, people with desk jobs have started working from home, and public gatherings have been prohibited. But the criminal justice system continues to hum along as though nothing has changed: Most prisons and many jails have done very little to reduce the population density that puts both incarcerated people and staff at grave risk.

To justify their lack of action, DOC directors, governors, sheriffs, and district attorneys imply that saving the lives of people behind bars is not worth the inevitable public safety cost of releasing them. This talking point is as old as time. It's also out of step with history.

Large-scale releases have been common throughout U.S. and international history for a variety of legal, political and health reasons. Below is a partial and non-exhaustive summary of some notable examples in U.S. and international history. (These examples were originally collected for a different project with [Leah Sakala](#) in 2014.)

If the places where these releases took place became hotbeds of crime, we'd know about it already. But they didn't. In fact, in many cases, the inverse happened — and the academic literature about these experiences prove it.

SELECTED HISTORICAL DECARCERATION EXAMPLES

U.S. examples

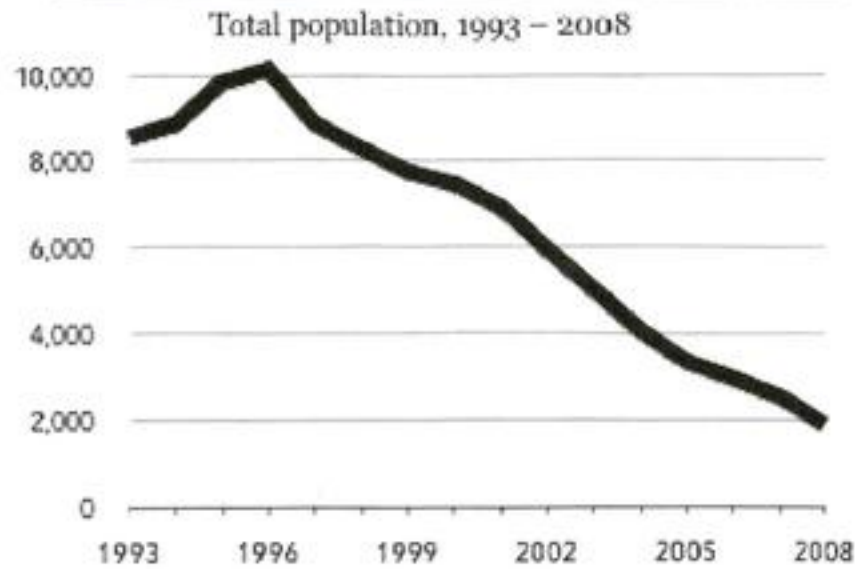
California (adults, 1968 – 1972)

Between 1968 and 1972, while Ronald Reagan was the tough-on-crime Governor of California, the state's incarceration rate dropped from 146 to 96 per 100,000. The historical record suggests that the decrease was largely due to a state program to incentivize local probation departments to decrease commitments to state facilities, as well as an increased use of parole.

California (youth, 1996 – 2009)

Although California is currently struggling politically with reducing its adult population, that state is a national leader on reducing its incarceration of kids. Previously, the Youth Authority was a “catch-all” for even the lowest-level offenders. Among other reforms, the state has created financial disincentives for counties to send kids to the state system while rewarding them if they kept the kids in local programs.

CALIFORNIA YOUTH AUTHORITY



Compiled from the California Department of Corrections & Rehabilitation report, A Comparison of the Division of Juvenile Justice's Facility and Parole Populations, released by the Division of Juvenile Justice annually from 1993-2008.

California (currently)

Beginning in 2006 and accelerating in 2009, the California prison population has been dropping. Spurred in part by the Supreme Court's order in *Plata*, major changes are underway (although far less than most of us hoped and far less than most of our opponents feared.) Some of the drop in the prison population is the illusory result of "Realignment," a legislative change that sends people who would previously have gone to state prison to local jails. The California prison population drop is still notable because the state's prison population is dropping faster than the jail population is increasing, but the actual decline in the number of people incarcerated in California is not as large or as quick as the Supreme Court ordered.

Florida (1963 – 1965)

On the heels of the Supreme Court's *Gideon v. Wainwright* decision, Florida had to give thousands of incarcerated people new trials, this time with court-appointed lawyers. For some people, the evidence was too flimsy or dated to withstand a proper legal defense, so over 1,000 people were released in a very short time period.

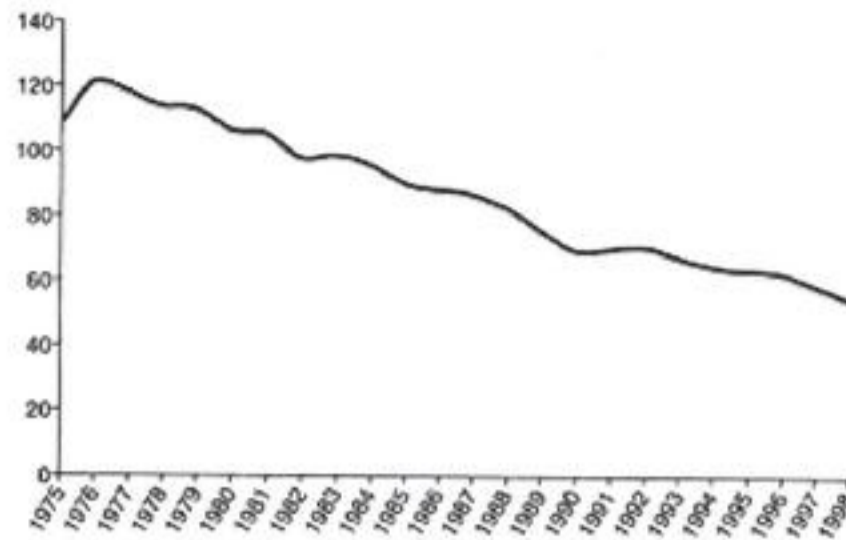
Illinois (1980 – 1983)

Concerned that the 1978 legislative switch to "determinate" sentencing would lead to prison overcrowding, the Department of Corrections instituted a special program of the parole board awarding extra good time credits. In sum, over 21,000 people, or 60% of all prison releases, were released an average of 105 days early.

Massachusetts (youth, 1969)

Massachusetts, under Republican Governor Frank Sargent and newly-appointed Department of Youth Services Commissioner Jerome Miller, closed its training schools for kids and decarcerated nearly 900 children. The state paroled some children directly home while a new system of community-based alternative programs were developed.

Diagram 4.4-2. Prisoners per 100,000 inhabitants in Finland
1975–1998



Source: Nils Christie, *Crime Control as Industry*.

Israel (1967)

The Israeli Knesset passed an Amnesty Law that released 501 incarcerated people and closed 15,376 criminal investigations.

Italy (2006 and 1990)


In 2006, to respond to prison overcrowding, the Italian government released 22,000 people, generally those serving three years or less, except for those convicted of Mafia-related crimes, terrorism, sexual violence or usury. An earlier mass pardon in 1990 released 8,451 people out of the total incarcerated population of 26,000.

Russia (numerous, late 1990s through present)

Russia has repeatedly issued large-scale amnesties, used both to manage the populations and to celebrate key events like the 20th anniversary of the constitution. Some amnesties also applied to people with pending charges. One notable and major large-scale amnesty was in 1999, when incarcerated people were released to help control a tuberculosis epidemic that was incubating in the prisons and then spreading to the rest of the country.

Peter Wagner is Executive Director of the Prison Policy Initiative. ([Other articles](#) | [Full bio](#) | [Contact](#))

2 responses:

1.  *Franz Kurz* says:
[April 10, 2020 at 2:46 am](#)

Netherlands Close Eight Prisons Due To Lack Of Criminals

Huffington Post UK | 16/09/2013


http://www.huffingtonpost.co.uk/2013/06/26/netherlands-prisons-close-lack-of-criminals-_n_3503721.html

Ben Vollaard, Assistant Professor, Department of Economics, University of Tilburg wrote on How to reduce high incarceration rates, already 24 August 2012

<http://www.voxeu.org/article/how-cut-prison-numbers>

No need waiting for pandemic!

Reply

2.  *Maddy deLone* says:
April 11, 2020 at 6:35 pm

Thank you! This is so important. It is a travesty how relatively few people have been released from prisons and jails in this time of public health emergency. I hope this will help encourage Governors, Mayors, County Executives, Sheriffs, Courts, and Prosecutors to do much more.

Reply