



**Joint Statement by the Cook County Public Defender and the John Howard Association
Prison and Jail Populations Must Be Reduced Immediately:
Base Decisions on Research and Data, Not Politics and Emotion
April 17, 2020**

As Illinois continues to take extraordinary measures to minimize all citizens' exposure to COVID-19 and contagion, it is clear that there are places that inherently pose greater risk. These include nursing homes, jails and prisons. This risk is present for the residents of these places as well as for the people that work in them. A great deal about COVID-19 still remains unknown to the scientific community and the public. However, it is indisputable and beyond rational scientific debate that in the absence of actions to drastically reduce prison and jail populations in Illinois and across the country, there will be resulting unwarranted suffering and unacceptable risk to prisoners and to correctional staff and their families because of COVID-19. Full consideration of all of the public health ramifications of this deadly disease inside prisons makes clear that each person released from prison represents an opportunity to save not one life but many lives.

Categorically excluding people who have demonstrated their rehabilitation and do not present a threat to society from consideration for release solely due to the offense they were convicted of committing many years prior has long been recognized by experts as an ineffectual and ill-chosen approach to maintaining public safety. It also exhibits moral blindness of the most destructive kind, one that values preservation of legal norms and abstractions over the preservation of human life. The first public obligation of a decent society is to avoid extremes of suffering. In this time of crisis, the actions of the Governor, correctional authorities, law enforcement and members of the public must be guided by this principle.

For decades politicians have successfully convinced the public that those who are convicted of crimes of violence are a perpetual risk to safety, leading to enhanced penalties that do not effectively deter crime or encourage rehabilitation and mass incarceration. The politics behind this, while successful at earning votes, fly in the face of research and reality. While elected officials decry the release of someone who committed murder decades ago as a present public safety threat, data reflects that the recidivism rate of people convicted of murder is the lowest of all crime categories. Data and research also make clear that the propensity to engage in criminality declines with age – most people age out of crime, making ongoing incapacitation less about protecting the public and more about the social desire for retribution. Forcing people into neat categories demanded by paradigms that do not have room for interpretation or individual consideration is almost always the road to inhumanity. The purpose and utility of long sentences is a debate that has been raging for years; consensus is unlikely in the immediate. However, recognition that a long sentence may become an unintended and unnecessary death sentence in the face of this pandemic while providing no benefit to society should make the release of prisoners a clear, if not compulsory, act.



Some policy and decision makers relentlessly focus on conduct that occurred decades ago that is not predictive of what a person will do in the future, rather than on the clear and present threat to the health and right to live everyone in Illinois shares. The need to drastically reduce the incarcerated population in the midst of the COVID-19 crisis is not a question of correctional policy; it is about life saving measures for those at great risk of getting and spreading the disease. Governor Pritzker's recent sentence commutations and executive orders allowing for greater release flexibility during the state of emergency, such as authorizing extended medical furloughs to prisoners at high risk of mortality due to medical vulnerability, and actions by law enforcement and correctional agencies to expedite early release of some prisoners through existing administrative mechanisms, are steps in the right direction that must be encouraged and increased for everyone's safety and well-being.

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