

# Equal Justice Initiative

## Criminal Justice Issues and Prisoners' Rights

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11.11.14

The Equal Justice Initiative (EJI) today released findings from its latest investigation into conditions at several Alabama prisons. Over the last six months, EJI staff investigated hundreds of complaints alleging abuse, misconduct, and unconstitutional conditions; interviewed more than 200 incarcerated people and correctional staff; and met with current and former prison officials. EJI found that:

**1. Widespread corruption, misconduct, and abusive behavior by correctional officers is a serious problem at several Alabama prisons.** The homicide rate in Alabama prisons today is more than three times the national average and there has been a nearly 600 percent increase in assaults on Alabama inmates since 2008. The dramatic rise in serious physical assaults, stabbings, and homicides in Alabama Department of Corrections (ADOC) facilities over the past year can be traced to the widespread distribution of contraband by prison staff, which has created a dangerous underground economy policed by physical violence.

**2. Poor leadership is contributing to a lack of progress and reform in Alabama prisons.** ADOC officials have done very little to hold wardens accountable for problems within prisons. For example, the warden and deputy warden who contributed to rampant abuse and sexual violence at Tutwiler Prison for Women were transferred or promoted to higher positions at different prisons, where reports of abuse subsequently escalated. EJI has filed complaints about serious and prolonged patterns of violence at facilities including Elmore Correctional Facility and St. Clair Correctional Facility that implicate wardens and other high-ranking officials, but ADOC has failed to hold those in charge responsible, which has undermined reform.

**3. Several no-cost or low-cost reforms could be instituted immediately, but officials have failed to act.** ADOC has refused to enact low-cost reforms to reduce the risk of sexual abuse and violence. In violation of the Prison Rape Elimination Acts standards and despite the availability of juvenile housing, ADOC continues to confine children under eighteen in adult facilities where they face increased risk of sexual assault.

**4. Outside law enforcement agencies should be authorized to investigate complaints against correctional officers and staff.** The investigation unit of the ADOC lacks the autonomy and support needed to expose and prosecute staff misconduct. ADOC officials are under-reporting or misreporting the number of violent incidents and abuse in the states prisons. From January 2009 to December 2013 there were at least eleven homicides in ADOC facilities, but ADOC reported only seven.

**5. Too little is being done to facilitate volunteer programs that could improve conditions and services in state prisons.** EJI interviewed numerous program volunteers and providers who report that wardens have severely restricted volunteer and religious programs aimed at reducing violence, giving prisoners a forum to voice concerns and resolve issues, incentivizing good behavior, and providing prisoners an opportunity to educate themselves. Some wardens have drastically limited access to outside religious organizations that minister to prisoners. The lack of positive and constructive programming contributes to conflicts and tensions among prisoners and to the high rate of violence.

**6. Incentives are needed to promote improved performance, security, and programming at state prisons.** Just as ADOC fails to hold wardens accountable for corruption and abuse of power, it does not recognize wardens who provide responsible and effective leadership. Alabama should create an incentives system that rewards wardens and officers who succeed in reducing violence, effectively managing staff, and reducing recidivism.

**7. The state would benefit from a small audit committee established by the Governor to investigate and evaluate reform proposals.** Any comprehensive, long-term effort to eradicate sexual abuse, excessive violence, and corruption must include independent review. The Governors Office should form an independent committee tasked with monitoring and reporting to the Governor on prison conditions.

**8. ADOC policies and practices that govern contact between prisoners and their families impede rather than support the maintenance of family ties that are vital to successful re-entry.** Phone rates and the cost of basic hygiene supplies are inflated to subsidize prison budgets and generate profits. The lack of work opportunities for incarcerated men and women means these costs are borne by hardworking, low-income families. Family members report that visitation practices are arbitrary, intimidating, and humiliating, characterized by intrusive body searches and rude treatment by staff, waiting for hours in the heat or cold, and being denied entry after

hours of travel. ADOC should follow the lead of other states and develop uniform system-wide family-oriented policy directives and agency protocols.

As a result of the increasingly dangerous security situation at St. Clair Correctional Facility, EJI lawyers filed suit seeking immediate action and remedies for people incarcerated at St. Clair. EJI also turned over to the United States Department of Justice hundreds of reports, documents, and files with the hope that it will expand its investigation and address the illegal and unconstitutional conditions of confinement at several Alabama prisons.

There is no excuse for the State of Alabamas failure to immediately implement solutions to reduce violence and sexual abuse in our prisons, said Bryan Stevenson, EJIs director and author of the report. These urgent problems and unconstitutional conditions are getting worse, and state officials must act now.

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122 Commerce Street Montgomery, AL 36104 [\(334\) 269-1803](tel:(334)269-1803) [\[emailprotected\]](#)

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