

# Equal Justice Initiative

## Criminal Justice Issues and Prisoners' Rights

<https://eji.org/news/justice-department-finds-alabama-prison-conditions-unconstitutional/>

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04.03.19

The United States Department of Justice informed Alabama Governor Kay Ivey today that the state routinely violates the constitutional rights of prisoners by failing to protect them from rampant violence and sexual abuse.

The Justice Department began investigating Alabamas prisons in October 2016 after EJI filed a [class action lawsuit](#) in federal court on behalf of men incarcerated at St. Clair Correctional Facility and presented several [complaints](#) about widespread physical and sexual violence throughout the state prison system. EJI also [reported](#) in December 2018 that Alabamas prisons were the deadliest in the nation.

In a 56-page letter to Governor Ivey, federal prosecutors summarized their findings, which substantiate EJI's reports about the dangerous conditions in Alabamas prisons:

Prisoner-on-prisoner homicide and sexual abuse is common. Prisoners who are seriously injured or stabbed must find their way to security staff elsewhere in the facility or bang on the door of the dormitory to gain the attention of correctional officers. Prisoners have been tied up for days by other prisoners while unnoticed by security staff. Prisoners are often found in unauthorized areas. Some prisoners sleep in dormitories to which they are not assigned in order to escape violence. Prisoners are being extorted by other prisoners without appropriate intervention of management. Contraband is rampant. The totality of these conditions pose a substantial risk of serious harm both to prisoners and correctional officers.

The letter makes clear that Alabama prison officials have not taken adequate measures to protect incarcerated men from lethal violence even when they have advance warning. In May 2016, an incarcerated man was killed at St. Clair Correctional Facility just hours after he was released from segregation, where he had been housed two weeks earlier for his protection. In February 2018, an incarcerated man was killed at Bullock Correctional Facility one day after expressing concerns about his safety to prison officials. As EJI [reported](#) last month, the February homicide of Steven Mullins at St. Clair was preventable and fit this same pattern.

Knives and dangerous drugs are ubiquitous throughout the prison system, the investigation revealed. Even as drugs contribute to the ongoing violence and pose a substantial risk of future violence, federal prosecutors reported that the Alabama Department of Corrections appears unable or unwilling to prevent the introduction and presence of drugs in its prisons. As a result, men incarcerated in Alabama are dying of drug overdoses and being subjected to severe violence related to the drug trade in Alabamas prisons.

The Justice Department also found that Alabama has misrepresented the causes of death and the number of homicides, overdose deaths, and natural deaths in its prisons. Federal investigators discovered at least 30 deaths of incarcerated men that were not disclosed by Alabama prison officials, and identified three homicides in 2017 and 2018 that ADOC failed to report as homicides. EJI [reported](#) on the homicide of Jamie Prim in February, which also was not publicly reported by ADOC.

While Alabama prison officials routinely attribute deaths caused by drug overdoses to natural causes, at least 22 incarcerated men died from synthetic marijuana overdoses between December 2016 and August 2018. In 2018 alone, at least four incarcerated men died from methamphetamine or Fentanyl overdoses. An ADOC investigator told the Justice Department that without a doubt the number one way these dangerous drugs are getting into our prisons is by staff smuggling it in. A former warden told federal investigator the same thing.

The Justice Department found that ADOC staff also mischaracterized sexual violence, often failing to identify the rape of an incarcerated man as a sexual assault and instead dismissing it as consensual homosexual activity. Because Alabama is not adequately protecting incarcerated men from sexual violence, federal prosecutors concluded, there is a pattern of undeterred systemic sexual abuse in Alabamas prisons.

The report also condemned ADOC's use of hot bay units to house men with higher management needs. Officers rarely enter hot bay dorms, and no programming or management is provided, which creates an extraordinarily dangerous environment for the men housed in these units. The report found that these practices greatly contribute to the increased violence in these units.

The report concludes that ADOC has long been aware that conditions within its prisons present an objectively substantial risk to incarcerated people. Yet little has changed. In fact, as the report documents, the violence in Alabama's prisons has only gotten worse since the Justice Department [announced](#) its statewide investigation in 2016.

Alabama officials must take remedial steps or face a federal lawsuit, according to the Justice Department's letter, which details immediate and long-term remedies to address understaffing, overcrowding, violence, contraband, and sexual abuse in Alabama's prisons.

Tags:

[Prison Conditions](#)

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