

# Equal Justice Initiative

## Criminal Justice Issues and Prisoners' Rights

<https://eji.org/news/what-you-need-know-about-alabama-prison-crisis/>

## Policy Issue Resources

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Crowded Alabama prison dorm. (Julie Bennett)

Alabama is facing important questions as an intensifying prison crisis continues to claim lives. Each day there is unrelenting violence. How to spend millions of dollars is being debated and it is important to know more about the Alabama prison crisis, its causes, and potential solutions.

**Yes.** Twenty-four incarcerated people have been murdered in Alabama prisons in the past two years. This prison homicide rate is 10 times the national average reported by the Bureau of Justice Statistics. Six of the homicides occurred at St. Clair Correctional Facility and one at Holman Correctional Facility; 17 people were killed in medium security correctional facilities: nine at Elmore and Staton, four at Bibb, two at Bullock, and one each at Fountain and Ventress. Alabama Department of Corrections records confirm hundreds of reports from incarcerated people, which reveal that every day people imprisoned in Alabama facilities are stabbed, beaten, raped, assaulted, and face the constant threat of violence. Alabama exceeds national averages in virtually every category measured by states and the federal government, making the states prison system one of the most violent in the nation.

From 2015 to 2017, with 22 prison homicides, Alabama had an average homicide rate of 32.8 per 100,000 inmates. Texas, with a prison population more than six times the size of Alabamas, had 10 homicides and an average rate of 2.5 per 100,000. Californias notorious prisons, deemed unconstitutional and horrendous by the United States Supreme Court, have a population nearly six times the size of Alabamas and an average homicide rate of 12.8 per 100,000. Tennessee, with a prison population comparable in size to Alabamas, had six homicides during the same time period and an average homicide rate of 9.3. Alabamas average homicide rate for 2015 to 2017 is more than twice that of Florida, Louisiana, and most states in the South.

**No.** The offense histories of people incarcerated in Alabama prisons do not explain the high rate of violence. The most recent Bureau of Justice Statistics data shows that 55 percent of people incarcerated nationwide are serving time for capital murder, murder, sexual assault, robbery, or assault. Alabamas prison population mirrors this national average, with 53 percent of Alabamas population serving time for one of these offenses. In 2017, there were 1100 fewer people in Alabama prisons serving time for murder, robbery, sexual assault, assault, or burglary as compared to 2009. Yet the rate of violence is dramatically higher now than it was 10 years ago: Alabama prison homicides have skyrocketed from six in the period from 2000 to 2009 to 51 between 2010 and 2019.

**Yes.** Overcrowding and severe staffing shortages have resulted in the abandonment of rehabilitative programming. The absence of programming, education, treatment, and meaningful rehabilitative services means that most people incarcerated in Alabama have little structure and spend most of their time idle in housing units. Severe understaffing has meant there is often no officer presence in the housing units and basic security functions, including searches for contraband and the control of movement in the facility, have been all but abandoned. This has fueled an epidemic of drug use, untreated mental illness, and a thriving underground economy. Drugs, weapons, and other contraband flow through prisons unregulated and sometimes aided by correctional staff. Thousands of incarcerated people accumulate debts to other incarcerated people, who enforce collection through violence and sexual assault.

This economy, and the physical and sexual violence and torture employed to collect debts, is so entrenched that the pleas of incarcerated people and their families for protection from extortion are routinely ignored. Other poor management practices exacerbate these dangers, including the failure to regulate movement in and out of housing units; the practice of randomly assigning newly admitted people to the first open beds at a facility without identifying risks, conflicts, programming needs, or other potential problems; and the lack of officer presence in the housing units. One of the most startling management practices is the continued use of hot bay units to house men with higher management needs without ensuring the officer presence necessary to manage these units. Officers rarely enter these hot bay dorms, and no programming or management is provided, creating an extraordinarily dangerous environment for the men housed in these units.

**No.** People convicted of drug and property offenses continue to make up the vast majority of people who enter ADOC custody. The Alabama Sentencing Commission reported that the three most frequent offenses at conviction from 2012 to 2015 were possession of

marijuana, possession of a controlled substance, distribution of a controlled substance, second-degree possession of a forged instrument, second-degree and first-degree theft of property, and third-degree burglary. ADOC reported that the top three most frequent offenses at conviction in 2016 and 2017 were drug and property offenses. More than 50 percent of people admitted in 2016 and 2017 were convicted of drug related offenses, theft, receiving stolen property, or forgery.

**No.** ADOC reported that it admitted more than 14,000 people in 2018. This is the highest number of admissions in a single year in the department's history and shows an increase of nearly 1,500 admissions from the previous year. There were 10,830 admissions in 2015 (before sentencing reforms were implemented), which establishes that sentencing reform is still desperately needed in Alabama.

**Parole.** The vast majority of people admitted to ADOC are released through one of three mechanisms: end of sentence, split sentence release, or parole. Parolees have one of the lowest recidivism rates. Last year, only 6 percent of parolees were revoked for a new offense. ADOC reports that 31 percent of all people released from Alabama prisons return within three years. Seventy percent of these people were released through end of sentence and split sentence, with former parolees comprising only 29 percent of recidivists. Thoughtful and expanded parole remains the most effective mechanism for reducing the prison population without undermining public safety.

**Parole.** The decrease in the state's prison population is tied to the number of people paroled and to effective parole board policies. The number of people released after completing their full sentences has declined each year since 2016. The number of people released through split sentences has remained mostly steady over the last 10 years. In contrast, the number of people released through parole increased by over 1,700 from 2016 to 2017.

The declining population is also due to changes in the treatment of technical violations of parole and probation. Technical violations include missing a \$40 monthly parole payment, missing an appointment with a parole officer, failing to find or keep a job, or a rules violation other than a new offense. Prior to 2010, technical violations resulted in revocation and a return to prison. In 2010, the Alabama Parole Board began implementing intermediate sanctions for technical violators, and in 2012 the legislature ended automatic revocation of technical violators. As a result of these legislative and policy changes to parole, admissions due to parole revocations have dropped significantly since 2011.

**No.** Alabama's primary problems relate to management, staffing, poor classification, inadequate programming for incarcerated people, inadequate treatment programs, poor training, and officer retention. None of these problems will be solved by building new prisons, nor does a prison construction strategy respond to the imminent risk of harm to staff, incarcerated people, and the public. Alabama has had three escapes from maximum security prisons since December 2017 that were primarily caused by mismanagement of the incarcerated population and the failure to follow protocols. A handgun was used in one of the escapes from St. Clair Correctional Facility. This is the third time ammunition or firearms have been found at St. Clair since 2015. Alabama does not have the management or staff to assure Alabamians that our prisons can survive another crisis.

**Yes.** Experts have recommended a package of reforms, including effective use of video surveillance cameras, implementation of an internal classification system, skilled management, and other basic management systems such as incident tracking systems, quality control, and corrective action review. These could be implemented quickly at low cost and would yield significant improvements in conditions for staff and incarcerated people.

Through the implementation of several of these low-cost reforms, [Tutwiler Prison for Women](#) went from the nation's worst women's prison to a model for reform, even while operating within an overcrowded, understaffed, and dilapidated prison. Built in 1942, Tutwiler is Alabama's oldest prison and is 20 years older than the oldest men's prison. Years of mismanagement and abusive leadership allowed what the United States Department of Justice called a toxic, sexualized environment that permit[ted] staff sexual abuse and harassment to flourish for years. The Justice Department found that leadership at the highest levels within ADOC failed to do anything about the abuse despite repeated notification of the problems.

After the Justice Department sued in 2014, Alabama agreed to implement low-cost remedies together with skilled and well-trained management and accountability mechanisms for demonstrating sustained improvement and positive outcomes for staff and the women they supervise.

Experts have long advised Alabama's leadership that any comprehensive, long-term effort to eradicate the occurrence and tolerance of sexual abuse, excessive violence, and corruption at Tutwiler and at the state's men's prisons must include a system for independent review. An independent audit team that is tasked with regular monitoring of conditions, is authorized to make unannounced prison visits, tour all areas and review all documents, and conduct confidential interviews with incarcerated people and facility staff, and incorporates the active and integrated participation of independent, nongovernmental organizations is important in both the design and enforcement of better anti-abuse policies.

Finally, increased access by volunteer and faith groups to provide invaluable programming in the prisons would cost the state nothing. Studies have shown that incarcerated people who participate in correctional education programs are less likely to recidivate and have a higher chance of finding employment when they are released. There is a tremendous amount of good will in Alabama communities that is not being put to use. EJI has interviewed volunteer service providers who report that wardens at several institutions severely restricted volunteer and religious programs aimed at reducing violence, giving incarcerated people a forum to voice concerns and resolve issues, incentivizing good behavior, providing educational opportunities, and ministry. The absence of positive and constructive programming contributes to conflict and tension among incarcerated people and to the high rate of violence. The best way to ensure successful re-entry and protect public safety is by providing incarcerated people with the tools they need to become productive members of society. By making volunteer educational and vocational programs a priority within prisons, ADOC can provide these valuable tools at no cost to the state.

Tags:

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