

# Equal Justice Initiative

## Criminal Justice Issues and Prisoners' Rights

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Millions of Americans are incarcerated in overcrowded, violent, and inhumane jails and prisons that do not provide treatment, education, or rehabilitation. EJI is fighting for reforms that protect incarcerated people.

As prison populations surged nationwide in the 1990s and conditions began to deteriorate, lawmakers made it harder for incarcerated people to file and win civil rights lawsuits in federal court and largely eliminated court oversight of prisons and jails.<sup>1</sup> Meredith Booker, [20 Years Is Enough: Time to Repeal the Prison Litigation Reform Act](#), Prison Policy Initiative (May 5, 2016).

Today, prisons and jails in America are in crisis. Incarcerated people are [beaten, stabbed, raped, and killed](#) in facilities run by corrupt officials who [abuse their power](#) with impunity. People who need medical care, help managing their disabilities, mental health and addiction treatment, and suicide prevention are [denied care](#), ignored, punished, and placed in solitary confinement. And despite growing bipartisan support for criminal justice reform, the private prison industry continues to block meaningful proposals.<sup>2</sup> The Sentencing Project, [Capitalizing on Mass Incarceration: U.S. Growth in Private Prisons](#) (2018).

### Related Article

Over the last decade, there has been a dramatic increase in the level of violence in Alabama state prisons.

Alabamas prisons are the most violent in the nation. The U.S. Department of Justice [found](#) in a statewide investigation that Alabama routinely violates the constitutional rights of people in its prisons, where homicide and sexual abuse is common, knives and dangerous drugs are rampant, and incarcerated people are extorted, threatened, stabbed, raped, and even tied up for days without guards noticing.

Serious understaffing, systemic classification failures, and official misconduct and corruption have left thousands of incarcerated individuals across Alabama and the nation vulnerable to abuse, assaults, and uncontrolled violence.<sup>3</sup> Matt Ford, [The Everyday Brutality of Americas Prisons](#), The New Republic (Apr. 5, 2019).

### Related Resource

A tragic case in New York illustrates how prisons are failing to provide adequate mental health treatment.

More than half of all Americans in prison or jail have a mental illness.<sup>4</sup> Mental Health America, [Access to Mental Health Care and Incarceration](#). Prison officials often fail to provide appropriate treatment for people whose behavior is difficult to manage, instead resorting to physical force and solitary confinement, which can aggravate mental health problems.

More than 60,000 people in the U.S. are held in solitary confinement.<sup>5</sup> Liman Center for Public Interest Law & Association of State Correctional Administrators, [Reforming Restrictive Housing: The 2018 ASCA-Liman Nationwide Survey of Time-in-Cell](#) (Oct. 2018). They're isolated in small cells for 23 hours a day, allowed out only for showers, brief exercise, or medical visits, and denied calls or visits from family members. Studies show that people held in long-term solitary confinement suffer from anxiety, paranoia, perceptual disturbances, and deep depression. Nationwide, suicides among people held in isolation account for almost 50% of all prison suicides, even though less than 8% of the prison population is in isolation.<sup>6</sup> Erica Goode, [Solitary Confinement: Punished for Life, New York Times \(Aug. 4, 2015\)](#).

The Supreme Court signaled in 2011 that failing to provide adequate medical and mental health care to incarcerated people could result in drastic consequences for states. It found that California's grossly inadequate medical and mental health care is incompatible with the concept of human dignity and has no place in civilized society and ordered the state to release up to 46,000 people from its horrendous prisons.<sup>7</sup> [Brown v. Plata](#), 563 U.S. 493 (2011).

But states like Alabama continue to fall far below basic constitutional requirements. In 2017, a federal court found Alabama's [horrendously inadequate](#) mental health services had led to a skyrocketing suicide rate among incarcerated people. The court found that prison officials don't identify people with serious mental health needs. There's no adequate treatment for incarcerated people who are suicidal. And Alabama prisons discipline people with mental illness, often putting them in isolation for long periods of time.

## Related Case

A 24-year-old man was beaten to death by guards at Alabamas Ventress Prison.

A handful of abusive officers can engage in extreme cruelty and criminal misconduct if their supervisors look the other way. When violent correctional officers are not held accountable, a dangerous culture of impunity flourishes.

The culture of impunity in Alabama, and in many other states, starts at the leadership level. The Justice Department found in 2019 that the Alabama Department of Corrections had long been aware of the unconstitutional conditions in its prisons, yet little has changed. In fact, the violence has gotten worse since the Justice Department [announced](#) its statewide investigation in 2016.

Similarly, ADOC failed to do anything about the toxic, sexualized environment that permit[ted] staff sexual abuse and harassment at [Tutwiler Prison for Women](#) despite repeated notification of the problems.

In the face of rising homicide rates, Alabama officials [misrepresented](#) causes of death and the number of homicides in the states prisons. The Justice Department reported that Alabama officials knew that staff were smuggling dangerous drugs into prisons. But rather than address staff corruption and illegal activity, state officials tried to hide the alarming number of drug overdose deaths in Alabama prisons by misreporting the data.

## Related Article

Report from the Vera Institute of Justice shows the specter of mass incarceration is alive and well.

Mass incarceration is an expensive way to achieve less public safety.<sup>8</sup> Don Stemen, [The Prison Paradox: More Incarceration Will Not Make Us Safer](#) Vera Institute of Justice (2017). It cost taxpayers almost \$87 billion in 2015 for roughly the same level of public safety achieved in 1978 for \$5.5 billion.<sup>9</sup> Bureau of Justice Statistics, [Summary Report: Expenditure and Employment Data for the Criminal Justice System 1978](#) (Sept. 1980). Factoring in policing and court costs, and expenses paid by families to support incarcerated loved ones, mass incarceration costs state and federal governments and American families \$182 billion each year.<sup>10</sup> Peter Wagner and Bernadette Rabuy, [Following the Money of Mass Incarceration](#), Prison Policy Initiative (2017).

Rising costs have spurred some local, state, and federal policymakers to reduce incarceration. But private corrections companies are heavily invested in keeping more than two million Americans behind bars.<sup>11</sup> Eric Markowitz, [Making Profits on the Captive Prison Market](#), The New Yorker (Sept. 4, 2016).

The U.S. has the worlds largest private prison population.<sup>12</sup> The Sentencing Project, [Capitalizing on Mass Incarceration: U.S. Growth in Private Prisons](#) (2018). Private prisons house 8.2% (121,420) of the 1.5 million people in state and federal prisons.<sup>13</sup> Jennifer Bronson & E. Ann Carson, [Prisoners in 2017](#), Bureau of Justice Statistics (Apr. 2019). Private prison corporations reported revenues of nearly \$4 billion in 2017.<sup>14</sup> Peter Wagner and Bernadette Rabuy, [Following the Money of Mass Incarceration](#), Prison Policy Initiative (2017). The private prison population is [on the rise](#), despite growing evidence that private prisons are less safe, do not promote rehabilitation, and do not save taxpayers money.

The fastest-growing incarcerated population is people detained by immigration officials.<sup>15</sup> Gretchen Gavett, [Map: The U.S. Immigration Detention Boom](#), PBS Frontline (Oct. 18, 2011). The federal government is increasingly relying on private, [profit-based immigration detention facilities](#).<sup>16</sup> Madison Pauly, [Trumps Immigration Crackdown is a Boom Time for Private Prisons](#) Mother Jones (May/June 2018). Private detention companies are paid a set fee per detainee per night, and they negotiate contracts that guarantee a minimum daily headcount, creating perverse incentives for government officials. Many run notoriously dangerous facilities with horrific conditions that operate far outside federal oversight.<sup>17</sup> Emily Ryo & Ian Peacock, [The Landscape of Immigration Detention in the United States](#) American Immigration Council (Dec. 2018).

Private prison companies profit from providing services at virtually every step of the criminal justice process, from privatized fine and ticket collection to bail bonds and privatized probation services. Profits come from charging high fees for services like GPS ankle monitoring, drug testing, phone and video calls, and even health care.<sup>18</sup> In the Public Interest, [Private Companies Profit from Almost Every Function of Americas Criminal Justice System](#) (Jan. 20, 2016).

Many state and local governments have entered into expensive long-term contracts with private prison corporations to build and sometimes operate prison facilities. Since these contracts prevent prison capacity from being changed or reduced, they effectively block criminal justice and immigration policy changes.<sup>19</sup> Bryce Covert, [How Private Prison Companies Could Get Around a Federal Ban](#), The American Prospect (June 28, 2019).

EJI is confronting the nations most deadly and overcrowded prison system by investigating, documenting, and filing federal lawsuits and complaints about conditions in Alabamas prisons.

EJI is suing the Alabama Department of Corrections for failing to respond to dangerous conditions and a high rate of violence at St. Clair Correctional Facility.

EJI exposed the widespread sexual abuse of women incarcerated at Tutwiler Prison for Women, leading to a federal investigation.

EJI has documented severe physical and sexual abuse and violence perpetrated by correctional officers and officials in three Alabama prisons for men.

Homicide at Limestone Is 16th in Alabama Prisons This Year

Second Homicide in Three Days at Alabama Prison

14th Alabama Prison Homicide of 2022 at Donaldson

Homicide at Ventress Is 13th in Alabama Prisons in 2022

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