

# Equal Justice Initiative

## Criminal Justice Issues and Prisoners' Rights

<https://eji.org/news/alabama-has-most-overcrowded-prisons-in-the-nation/>

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Prison population as percentage of lowest capacity estimate, Dec. 2017. (Corin Faife/BJS)

An [analysis](#) of data from the Bureau of Justice Statistics by *The Appeal* revealed that Alabamas prisons are the most crowded in the country.

The [Bureau of Justice Statistics](#) (BJS) is a federal agency within the Justice Department that collects data on crime and incarceration. *The Appeal* examined BJS's [Prisoners in 2017](#) report, which provides a snapshot of the state and federal prison population at the end of 2017.

[Table 16](#) of the report lists three measures of each states prison capacity: rated capacity is the number of inmates or beds a facility can hold as set by a rating official; operational capacity is the number of inmates a facility can hold based on staffing and services; and design capacity is the number of inmates a facility can hold set by the architect or planner.

BJS lists each states prison population as a percentage of the lowest capacity estimate submitted by the jurisdiction and as a percentage of the highest capacity estimate provided.

Based on the lowest capacity measured design capacity Alabamas prison system is the most overcrowded in the country, operating at 167.8 percent of design capacity with 21,570 people in custody.

That figure is consistent with the results of the Justice Departments investigation into Alabamas prisons, which [found](#) that overcrowding contributed to conditions so dangerous that they violate the Constitution. The Justice Department [reported](#) in April that the average occupancy rate at the 13 major prisons it reviewed was 182 percent, and one close security prison was operating at 319.8 percent of design capacity.

But the BJS report gives the impression that prisons in states like Alabama and California are being managed within capacity because it makes assertions based on the highest capacity figure, *The Appeal* reports.

Unlike design capacity and rated capacity, which are calculated by a third party, the operational capacity is self-reported. Acting chief of corrections at the BJS, E. Ann Carson, told *The Appeal* that the operating capacity might be the only figure provided because BJS cannot compel states to submit data.

She also explained that there are inconsistencies in how states define their operational capacity. You'll have some states that just say, however many people we have, that's our operating capacity. Others will say, we can have a maximum ratio of 10 or 20 [prisoners] to one [guard], or whatever it is.

The BJS notes in its report that the majority of Alabama prisons were overcrowded despite its highest capacity figure of 83.7 percent. It explains that the operating capacity provided by Alabama officials differed from BJS's definition in that it represented the physical capacity for prisoners but was not based on staffing, programs, and services.

*The Appeal* concludes that overcrowding in Alabamas prisons is [worsening](#), despite statistics reporting a nearly 3 percent decrease in the prison population from 2017 to 2018. In fact, the most recent data [released by the Alabama Department of Corrections](#) shows that the 2017 to 2018 decline in prison population has mostly been erased, with a rise in admissions returning prison population to peak levels.

Tags:

[Prison Conditions](#)

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