



Alabama's Prison System: A Crisis in Corrections

The Alabama Department of Corrections (ADOC) is a system in crisis. ADOC operates 29 prisons across the state. It is the third-largest state agency by number of employees and the second-largest in General Fund appropriations.¹

ADOC will spend \$486 million in fiscal year 2019 to incarcerate approximately 20,000 people and supervise another 6,800 or more not incarcerated but still under their jurisdiction.² Another \$71 million will be spent by the Alabama Department of Pardons and Paroles to oversee more than 67,000 people.

Together, Alabama will spend 25 percent of General Fund expenditures³ to supervise 2.5 percent of the population over the age of 18—to say nothing of funds spent by the court system or the dollars spent by, and people incarcerated in, city and county jails.

A system in crisis

- Alabama's prisons are unsafe and inadequate—a reality recognized by the federal courts, journalists, activists, advocates, politicians, and ADOC itself.
- Alabama prisons hold approximately 20,000 people,⁴ 533 per 100,000 persons 18 and older in the state. Alabama has one of the highest incarceration rates in the United States.
- Alabama prisons are at 163 percent capacity.⁵ Alabama prisons are among the most overcrowded in the U.S.

¹ FY2019 Appropriations

² <http://www.doc.state.al.us/docs/MonthlyRpts/2018-08.pdf>.

³ Figures are General Fund only, earmarks and other appropriations are excluded.

⁴ <http://www.doc.state.al.us/docs/MonthlyRpts/2018-11.pdf>.

⁵ <http://www.doc.state.al.us/docs/MonthlyRpts/2018-11.pdf>.



- Alabama’s recidivism rate—the rate of released people who return to prison—may be trending slightly higher.⁶
- Alabama employs one correctional officer for every 14 people incarcerated, compared to one for every seven in Florida. They serve unarmed. These officers are the lowest paid public safety officers in Alabama and experience the highest turnover. A consulting firm hired by ADOC recommends adding 1,800 to 2,000 additional correctional officers.
- Alabama prisons are dangerous for both staff and those incarcerated—perhaps the deadliest in the country.⁷
- Alabama would need to spend an estimated \$80 million more *per year* just to achieve minimum staffing levels and address essential physical updates.
- Alabama settled a federal lawsuit in 2017 regarding conditions at St. Clair Correctional Facility, with the state agreeing to make substantial repairs.
- Alabama is defending itself in a second federal class-action lawsuit concerning prison conditions. The state has essentially lost the case, with prisons found to be grossly understaffed and with inadequate mental healthcare. A third trial concerning medical and dental care in prisons is still pending as of February 2019.
- Alabama could see its prison system taken over by the federal courts and be forced to reduce the prison population and increase spending to whatever levels the court deems necessary. Short of a full federal takeover, the courts still have the ability to shape how the state funds and operates the prison system.

⁶ <http://www.doc.state.al.us/docs/AnnualRpts/2017AnnualReport.pdf>.

⁷ <https://ejournal.org/news/alabamas-prisons-are-deadliest-in-nation>.



Alabama's options

Alabama policymakers know that the current situation is untenable and that lawmakers must make a series of politically and financially difficult decisions, or likely face much more serious and drastic consequences.

In 2009, a federal court found California prisons were so overcrowded that the conditions violated the U.S. Constitution's ban on cruel and unusual punishment. That state was ordered to drastically reduce the number of prisoners in its custody. If Alabama were held to the same standard as California, Alabama would have to rapidly release over 2,000 people from prison and keep the prison population at that lower rate moving forward.

Alabama can address its overcrowding situation by building additional prison space and improving existing space, by continuing to drive down the number of people sentenced to or serving in prison, or by doing both.

While there is agreement that Alabama's prison problem must be addressed, opinions differ not just on the preferred response, but on the very definition of the problem to be solved.

A Capacity Problem

When conditions in Alabama's prisons are seen as merely a capacity issue, construction appears an obvious solution.

Current facilities are inadequate and unsafe because they were not built for the number of people who need to be incarcerated. Thus, construction projects are the obvious and best way to reduce overcrowding and expenditures. A prison construction program would replace inhumane and unsafe conditions for prisoners and guards. New construction could also potentially lead to increased operational efficiency.



A Criminal Justice System Problem

Conversely, when conditions in Alabama’s prisons are seen as symptomatic of structural issues facing Alabama’s criminal justice system, broader criminal justice reform appears an obvious solution.

Current facilities are inadequate and unsafe because the state incarcerates people who should not be in prison. Thus, comprehensive reform of the criminal justice system, including amending the criminal code and sentencing guidelines and reclassifying certain crimes, along with bringing practices in line with current research, best practices, and other states, is the obvious and best way to reduce overcrowding and expenditures. Criminal justice reform would improve inhumane and unsafe conditions for prisoners and guards. Reform could also potentially lead to more just and fair treatment of communities most likely to come in contact with the criminal justice system.

The Current Status

The prison system will be a major agenda item for Governor Ivey, the Alabama Legislature, and the federal courts.

The state has requested and received the first phase of an analysis of the state’s prison system from Hoar Project Management. As of this writing, the report has not been publicly released, but it is presumed by many that the analysis will support, or be used to support, various construction proposals.

However, such plans drew opposition among state legislators. On December 13, 2018, the Legislature’s contract review committee refused to advance a \$10 million expansion of the agreement with Hoar. Both Republican and Democratic legislators expressed concern about the contract and the viability of a prison construction bill advancing in the 2019 session.⁸ [7]

⁸ <https://www.al.com/news/2018/12/lawmakers-put-temporary-hold-on-10-million-prison-contract.html>.



Meanwhile in the federal court system, on December 6, 2018, the Southern Poverty Law Center (SPLC) asked Judge Myron Thompson to find ADOC in contempt for failing to address mental health staffing. SPLC and ADOC ultimately reached an agreement resolving SPLC's contempt motion. However, if ADOC fails to comply with the numerous other orders issued by the Court, Judge Thompson could appoint a receiver to take over management of Alabama's prisons.

And on December 18, 2018, the U.S. Senate passed a bipartisan criminal justice reform bill with the support of President Trump. As the bill relates to the federal criminal justice system, it will have no impact on Alabama's criminal justice system. However, the nature of the act and the evolving politics of the issue at the federal level will have unknown implications for the debate in Alabama.

Governor Ivey included prison construction in her January 2019 inaugural address, and it may be possible that plans could be finalized and bonds could be issued *without* legislative action. On February 12, 2019, she released her plan for three new men's facilities at a cost of \$950 million.

Alabama must act

As we enter the 2019 legislative session, the only certainty is that inaction by state leaders is not an option.

Calls for new construction and demands for continued criminal justice reform are not mutually exclusive. However, they represent opposite ends of a set of economic, philosophical, and political calculations. Both are based on research and assumptions that should be explored and tested. Neither will provide immediate relief.

To help frame this conversation, the Public Affairs Research Council of Alabama is providing a series of briefs which:



- explore the general state of Alabama’s prison system;
- summarize recent sentencing reforms;
- analyze sentencing in Alabama compared to neighboring states;
- explore alternative sentencing and community-based responses, and
- pose questions that advocates of sentencing reform and construction should address.

These briefs provide a high-level analysis for state and local policymakers and concerned citizens. They provide essential facts and data and clarify and correct popular misunderstandings. While they are not exhaustive in breadth or depth, they provide a blueprint for conversation and consideration of issues, each of which is worthy of an extensive detailed analysis.

The goal of these briefs is not to provide *the* solution to Alabama’s prison crisis. Indeed, it may be that no *single* solution exists. Rather, the goal is to inform and spur policymakers to action—while there is still time.