



April 9, 2019

The Honorable Kay Ivey
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

Commissioner Jefferson Dunn
Alabama Department of Corrections
301 South Ripley Street
P.O. Box 301501
Montgomery, Alabama 36130-1501

Proposal to Collaboratively Address Alabama's Prison Crisis

Dear Governor Ivey and Commissioner Dunn:

We write to you out of acute concern for the state of Alabama's prisons and to express our desire to work with you to solve this crisis. On April 2, 2019, the U.S. Department of Justice (DOJ) served a notice letter detailing the results of its two-year investigation into allegations that the Alabama Department of Corrections (ADOC) fails to protect the individuals in its care from egregious harm in violation of the Eighth Amendment to the U.S. Constitution.¹ DOJ's letter corroborates what stakeholders in Alabama already know: What is happening in our prisons is nothing short of a public health and safety emergency.

While we have disagreed about how to approach Alabama's prison problems in the past and are currently engaged in litigation, both ADOC and the Southern Poverty Law Center (SPLC) share the same goals: to efficiently use taxpayer dollars to ensure that prisons are safe for officers and incarcerated people, maintain constitutional standards of care, and protect public safety. Our prison system is facing a crisis of Alabama's own making and, like you, we believe in an Alabama solution. Our hope is that this

which it may further reduce its prison population through sentencing reforms and reinvestment in rehabilitative programming. In other words, for the conditions in Alabama prisons to improve, the population must be safely decreased. Only by achieving this balance can Alabama accomplish the goal of a safer, more affordable, and more effective prison system.

A. Fixing Alabama's Prisons

1. Prison Construction

Over several legislative sessions, Alabama officials advanced a plan that authorizes the construction of three (sometimes four) "mega prisons" that house 3,500 to 4,000 people each. The SPLC has been unable to support these proposals for several reasons. First, extensive research and consultation with multiple experts indicates that smaller correctional facilities are easier to manage, more effectively promote rehabilitation, and are safer for staff and incarcerated individuals.⁷ Second, despite multiple requests, ADOC has provided almost no detail on the specifics of the plan, including: 1) how cost savings derived from facility consolidation will actually cover the \$900 million price tag; 2) the location of the proposed new facilities and facilities that will close; 3) the strategy to address correctional staffing needed to operate the proposed facilities; or 4) how ADOC will provide incarcerated people with constitutionally compliant health care in the large facilities.

State legislators have also expressed concerns about the prison expansion plan⁸ and requested additional information regarding its specifics. A decision by the Office of the Governor or Commissioner to embark on a plan that carries an almost billion-dollar price tag without the input and approval of Alabamians through their elected representatives in the Legislature would jeopardize public trust.

Finally, DOJ has also warned ADOC not to invest all its resources in a building binge on the assumption that construction will cure this constitutional crisis: "While new facilities might cure some of these physical plant issues, it is important to note that new facilities alone will not resolve the contributing factors to the overall unconstitutional condition of ADOC prisons."⁹

The SPLC recognizes and agrees that some modest prison construction is necessary. Instead of a billion-dollar building project, however, we propose an incremental, measured, and transparent approach to prison construction that will garner public and legislative support while addressing ADOC's most urgent needs in a fiscally responsible way. Some of the existing prisons should be replaced with facilities that promote constitutional conditions and provide incarcerated people with access to rehabilitative programming. ADOC should begin by closing at least two facilities with the most deplorable conditions and replacing them with facilities that house no more than 1,000 people each, in 500-bed units.¹⁰ The SPLC,

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See [Spanning](#), [McBryde](#), [Kuttuva](#), [PaCID](#). See also [McCitoy](#) to [g](#). Some also w, orld, not, w, p, also w, [Change oAmerica](#), [Civ](#), [utS](#)

in the interest of bringing concrete ideas to this collaborative process, specifically recommends closing and replacing Holman Correctional Facility, which is plagued by some of the worst violence in the system and is at approximately 150 percent capacity.¹¹

Second, given the acuity of the medical and mental health care deficiencies as evidenced through the *Braggs* litigation, we recommend that ADOC construct a medical and mental health correctional campus to house approximately 2,000 incarcerated people, including those with the most serious mental health and medical conditions.¹² To address the needs of such people, this campus should be located near a major metropolitan city to ensure access to high-quality health care.

ADOC should not privatize the prison system as a part of any construction plan, or as any component of the solution for the prison crisis. Private prisons are focused only on their bottom line, and often cut costs wherever possible. Further, private prisons do not provide accountability or transparency for the public. There are numerous reports that demonstrate the ills that have befallen states that use private companies to manage correctional systems.¹³ We strongly urge you to avoid the pitfalls¹⁴ of privatization.

2. Increasing Correctional Staffing and Reducing Violence

The inadequate staffing numbers and prevalence of violence in ADOC facilities exacerbate each other. The absence of correctional officers in facilities permits violence amongst incarcerated people, and the continuous growth of violence negatively impacts recruitment and retention.¹⁵

To address the staffing crisis, Commissioner Dunn recently requested funds to hire an additional 500 correctional officers from the Legislature. ADOC currently has 3,326 authorized correctional officer positions but has only filled 1,072.¹⁶ Accordingly, Commissioner Dunn's request is inadequate; it will not assist ADOC in making any realistic progress toward the target number set by the federal court.



We urge you to aggressively and transparently pursue a recruitment and retention plan that will allow ADOC to hire 2,200 correctional officers by 2022. ADOC should increase its existing funding request to the Legislature from funds necessary to support 500 officers to funding for 1,100 additional officers

11 Alabama Department of Corrections Monthly Statistical Report for December 2018, available at <http://www.doc.state.al.us/docs/MonthlyRpts/2018-12.pdf>. Last visited March 27, 2019.

12 To comply with the Americans with Disabilities Act, 42 U.S.C. § 12101, a significant percentage of the individuals housed at this campus must be individuals without disabilities. The state should confer with the Alabama Disabilities Advocacy Program to ensure that such a facility comports with the ADA.

13 The Southern Poverty Law Center, *Private Prisons: The wrong choice for Alabama*, available at <https://www.splcenter.org/20171030/private-prisons-wrong-choice-alabama>, last visited March 27, 2019.

and submit the same request for another 1,100 officers during the next legislative year. Subsequently, ADOC should annually request \$130 million – the amount necessary to maintain appropriate staffing. To fill these positions with high-quality candidates, we urge ADOC to develop a recruitment plan with specific goals and metrics. We also urge ADOC to develop a plan to attract and retain high-quality candidates.



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CC: Carrie McCollum
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Members of the Alabama Senate
Members of the Alabama House of Representatives