



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

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 address the needs of the community and to ensure that the department is equipped to handle the challenges of the future.



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