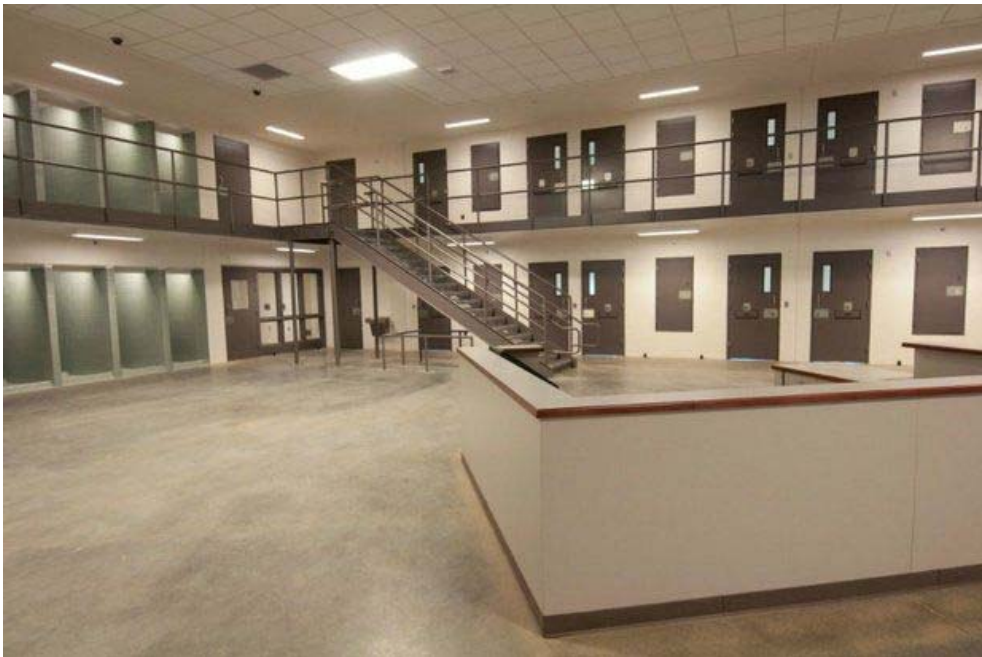


# Let's make Alabama smart on crime



Alabama needs to take steps to deal with its incarceration problem.



By **Guest Voices**

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This week at the Alabama State Bar Annual Meeting, a panel discussion among people of different views and backgrounds will take place.

Despite our differences, we expect to substantially agree on how criminal justice reform in Alabama can make our communities safer, reduce the cost to taxpayers, and help formerly incarcerated people successfully return to their communities.

The panel is a group of unusual allies. Some of us have prosecuted individuals accused of committing a crime, others have defended them. While we don't agree on all issues facing Alabamians, when it comes to criminal justice reform we stand united in that public safety policies must be based in evidence - not rhetoric.

We are not alone.

There is a growing consensus across the United States that the tough-on-crime approach to criminal justice, which has dominated for most of the past half century, has largely failed.

While there is no silver bullet to ending crime, states as diverse as California, Texas, New York, and Georgia have shown over the past decade that we can reduce the number of people in prison without decreasing public safety.

Alabama has struggled with crowded prisons and high rates of incarceration, but we set off on a better path in 2013 and 2015 when the state adopted evidence-based reforms that both reduce our reliance on incarceration and protect public safety.

Because of these reforms, low-level offenders are now less likely to end up in Alabama's prisons. This makes sense in terms of community safety and responsible financial management because community-based programming is more effective and less expensive than prison for low-level offenders.

Despite these reforms, Alabama still has a long way to go to end its overreliance on incarceration. If Alabama was a country it would have the fifth-highest rate of incarceration in the world. And, approximately 25 percent of its prisoners are incarcerated for a nonviolent offense.

Since 2016, however, Alabama's criminal justice debate has moved in the wrong direction. These debates almost led to the passage of a nearly \$1 billion proposal to build 3,500-bed mega prisons that would be two to three times the size of any existing facility in Alabama.

Other proposed legislation would have undone some of the recent reforms that prioritize alternatives to incarceration for low-level offenders.

Our lawmakers have a choice. They can embrace evidence-based reforms that have been proven to increase public safety and reduce the burden on taxpayers in other southern states, or they can double down on expensive and ineffective incarceration.

Overincarceration is not unique to Alabama. Ten years ago, Texas lawmakers faced a similar question: Do we build or reform our way out of prison overcrowding? Texas chose reform.

The state is slated to close its eighth prison in the past six years.

It achieved that feat by creating more appropriate punishments for low-level offenders and using a fraction of the money that would have been needed to build prisons and reinvesting it into community-based rehabilitation programs.

The reforms have not only resulted in large reductions in taxpayer costs, but the crime rate has dropped every year since 2010, according to the Texas Department of Public Safety. Texas has even seen three years where the crime rate has dropped by more than 5 percent.

Alabama can have a similar success. For starters, our lawmakers should:

- Prioritize mental health treatment on the front end. Cuts to mental health services have funneled too many Alabamians into our prisons and jails because of untreated mental health issues. These cuts also jeopardize the lives of law enforcement, who are forced into the role of mental health first responders as a result.
- Recognize drug addiction is fundamentally a public health issue, and our laws must reflect that reality. We're not going to arrest our way out of this problem.
- Ensure that our prisons do not continue to lock up individuals who no longer pose a threat to society. We also must support the reforms made to build a parole system based on objective, evidence-based criteria.
- Remove the unnecessary and counterproductive barriers that former offenders face when returning to their communities, such as arbitrary limitations on employment and housing - two key factors to reducing recidivism.

We also must be willing to address the disparities people of color face when they encounter law enforcement and the criminal justice system. For example, African Americans in Alabama are four times more likely than whites to be arrested for marijuana possession - despite using marijuana at roughly the same rate.

And, because people of color are disproportionately caught up in the criminal justice system, they are disproportionately harmed by the collateral consequences of a conviction, such as the criminal background check box they must check on employment applications used by many employers.

Building new prisons is not a solution to Alabama's incarceration crisis. Instead, we urge Alabama lawmakers to build on the positive reforms of 2013 and 2015. As other states have shown, and people from across the ideological spectrum agree, this approach will make the public safety system smarter, more effective, and less expensive.

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