

Senator: Prisons to be biggest issue for Alabama lawmakers in 2017 in wake of DOJ investigation



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Alabama lawmakers next year could once again face calls to build new prisons in order to reduce overcrowding.

But this time the debate, which died last year without a construction plan in place, could be driven by a federal investigation into conditions inside the state's 14 men's prisons and the looming threat of court intervention.

"Prisons, construction or otherwise, will be the biggest issue for the 2017 regular session," said State Sen. Cam Ward, who is chairman of the Senate Judiciary Committee and the man who has led prison reform in the state.

"We're going to have to have construction. There's no way to avoid it," Ward said. "Either we do it in the most cost efficient way or have a (federal) judge tell us how to do it and we still have to pay for it."

The legislature's prison oversight committee will get a briefing in November about the Department of Justice investigation, Ward said. An exact date has not been set, he said.

But like last year the debate will center on just how many prisons does the state need to rebuild or consolidate to alleviate problems with overcrowding?

The DOJ, in a letter to Gov. Robert Bentley on Thursday, stated it was launching an investigation into the 14 men's prisons in Alabama. That investigation will focus on whether prisoners are adequately protected from physical harm and sexual abuse at the hands of other prisoners or staff and whether the prisons provide sanitary secure and safe living conditions, the DOJ announced.



DOJ investigating violence, rape in Ala. men's prisons

The DOJ warns the state could face a lawsuit if the violations are found and the state doesn't work to correct them.

But one interested group doesn't support the state spending hundreds of millions of dollars to build new prisons.

"Alabama doesn't need new prisons. ... A building binge is not smart," said Lisa Graybill, deputy legal director at the Southern Poverty Law Center who works on criminal justice reform.

Alabama's in-house population in July of 2016 was 23,692. That's 1,438 women and 22,254 men.

The Alabama Legislature in May failed to pass Bentley's plan to build new state prisons. That plan initially called for borrowing up to \$800 million to build three new men's prisons and a new women's prison to replace Julia Tutwiler Prison.

Before the legislation failed a conference committee scaled the plan back to two men's prisons, the women's prison and a total bond issue of up to \$550 million.

Alabama already is under monitoring by a federal judge for issues related to overcrowding and conditions – including sexual relations between guards and inmates – at the state's only women's prison, Tutwiler.

Riots, including fires, and stabbing in the past year have plagued several of the largest men's prisons – particularly Holman in Escambia County.

"I think that Alabama's prison crisis is nationally known ... It's nationally infamous," Graybill said. "Alabama went on the incarceration binge, but didn't want to pay for it."



Alabama prisons crumbling under dangerous conditions

Alabama took a step in the right direction with enacting sentencing reform legislation that cuts down on the number of new inmates going into prisons.

But one of the issues that needs to be addressed is understaffing, which puts both the officers and inmates at risk, Graybill said. Having staff to interact with prisoners is better than building large prisons and relying on cameras to keep tabs on the inmates, she said.

A priority also needs to be placed on finding money to pay for inmate mental health programs, health care and re-entry programs to prevent ex-prisoners from committing more crimes and ending up back in prison, Graybill said. "But a building binge won't solve this problem. More staffing is needed," she said.

The SPLC filed a lawsuit in 2014 over problems of treatment of mental health, medical care, and accommodations for handicapped prisoners. A trial will begin Dec. 5 on the mental health claims. No trial date has been set for the trial on the medical care claims.

"Prisons, construction or otherwise, will be the biggest issue for the 2017 regular session" - State Sen. Cam Ward

Ward, who has led the prison reform effort in the Alabama legislature, said he wasn't surprised the DOJ had launched an investigation. He said he had been warning his colleagues that it could happen for some time if the state didn't immediately do something about prison conditions caused by overcrowding.

Ward, who is chair of the Senate Judiciary Committee, said the state has already begun implementing improvements, such as new sentencing guidelines to cut down on the numbers of defendants being sent to prison in the first place.

He agrees with Graybill that current efforts won't be enough. But he disagrees with her when it comes to the need for new prisons.

Alabama can't meet constitutional standards in aging facilities, Ward said.

Ward said the SPLC is worried that if Alabama builds larger prisons the state will soon fill them.

It isn't just about capacity, Ward said. It is also about conditions, he said.

But Ward also added he doesn't believe the four mega sites model will work like the ones offered last year. "Me personally, I don't think that is the answer," he said.



Audits claim Alabama prisons meet rape standards as feds launch probe

Alabama's prison system was at 198 percent capacity in 2008. But under prison reform measures, including new sentencing guidelines, the capacity is projected to be 152 percent by 2020, Ward said.

"The SPLC wants to see a mass release, which I'm totally opposed to," Ward said. "It would be a disaster for public safety."

New construction isn't just about getting the overcrowding numbers down, Ward said. It's also about being able to provide health care and mental health treatment in 50 and 60 year old facilities, he said.

"You just can't run a constitutional system in those old facilities," Ward said.

If Alabama doesn't do fix the constitutional problems on its own, the state could be forced by a federal court to do it, and at a lesser efficiency and much higher cost, Ward said.

"Are you going to do it at gun point or as policy makers do it ourselves?" he said.

Still, building new prisons with a big price tag is unpopular with voters, Ward said. There's also a corresponding lack of political will among legislators to build new facilities, he said.

Ward serves on the board of directors of the Council of State Governments Justice Center, a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. He was at a meeting in Chicago last week in which he presented an update on Alabama's prison reform efforts.

According to figures from that presentation:

- \$42.6 million is being invested between fiscal years 2016 and 2017 in supervision, treatment, and victim notification.
- \$4 million in contracts are expected to be awarded in January to provide behavioral health treatment services for probationers and parolees.
- The average numbers of ex-inmates per parole officer has decreased from 200 for each officer. And that number is on track to reach the goal of 100 to 1 by January 2017 once the hiring of 100 new probation and parole officers is completed.

Parole officers

Ward said that 30 have been hired so far as the parole board has had a difficult time finding willing and qualified candidates.

Hiring new parole officers is important to keep parolees from coming back into the prison system, Ward said.

The number of new inmates coming into the prison system has decreased by 18 percent in the last few years, Ward said. "The problem we have had is the number of people who are being put back in for technical violations," he said.

Technical violations include issues such missing an appointment or being late for a drug test, rather than the parolee committing a new crime, Ward said. However instead of fining the parolee or putting them in jail for just a day or two, the parolees were being sent back to prison, he said.

Having more parole officers should help cut down on technical violations causing parolees being sent back to prison, Ward said. But before Alabama started hiring new parole officers it had the worst ration of parole officer to parolee in the nation, he said.

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