



ALABAMA APPLESEED CENTER for LAW & JUSTICE

UNITED STATES DEPARTMENT OF JUSTICE INVESTIGATION OF ALABAMA'S STATE PRISONS FOR MEN

A summary of the federal investigation into the conditions of Alabama's men's prisons conducted by U.S. Attorneys Offices in the Southern, Middle, and Northern Districts of Alabama



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“The combination of ADOC’s overcrowding and understaffing results in prisons that are inadequately supervised, with inappropriate and unsafe housing designations, **creating an environment rife with violence, extortion, drugs, and weapons. Prisoner-on-prisoner homicide and sexual abuse are common. Prisoners who are seriously injured or stabbed must find their way to security staff elsewhere in the facility or bang on the door of the dormitory to gain the attention of correctional officers.** Prisoners have been tied up for days by other prisoners while unnoticed by security staff.” – U.S. Department of Justice

With the highest prison homicide and overcrowding rates in the nation, Alabama became the target of a statewide investigation into the conditions of its prisons and treatment of prisoners. Federal authorities released their findings April 2, 2019 in a nationally publicized report that determined there is reasonable cause to believe the **Alabama Department of Corrections**

“ALABAMA IS INCARCERATING PRISONERS UNDER CONDITIONS THAT POSE A SUBSTANTIAL RISK OF SERIOUS HARM.”

(ADOC) continues to violate the United States Constitution by failing to protect incarcerated people from widespread violence and sexual abuse and by failing to provide safe conditions of confinement.

Launched in 2015 and concluded in 2018 while former Alabama Senator Jeff Sessions led the Department of Justice, the investigation marks the first time in the 39-year history of the Civil Rights of Institutionalized Persons Act (“CRIPA”) that federal authorities found an entire state prison system operating in violation of the United States Constitution. Alabama Appleseed summarizes the DOJ’s 56-page report in this brief to better inform all Alabamians about the chronic and systemic failure of our state government and elected leaders to follow the law, and the death, despair, and suffering that are the result. The daily harm inflicted on incarcerated people and their families and the long-term implications for our State are dire and demand sweeping criminal justice reforms that recognize the State of Alabama cannot incarcerate people at current levels within the bounds of the Constitution.

This report summarizes the DOJ findings as follows:

- **Alabama prisons have the highest homicide rate in the country;**
- **Alabama fails to protect prisoners from serious harm;**
- **Alabama fails to protect prisoners from sexual abuse;**
- **Alabama fails to provide safe, sanitary, and secure prison conditions.**

“The Constitution requires that inmates be furnished with the basic human needs, one of which is reasonable safety.” *Helling v. McKinney*, 509 U.S. 25, 33 (1993).

The U.S. Supreme Court made clear in a 1994 case, *Farmer v. Brennan*, that prison systems must consistently protect prisoners from serious harm and substantial risk of serious harm. To establish that a state has violated the Constitution, the federal government must show that subjecting prisoners to conditions that pose a substantial risk of harm is the state’s “regular practice.” In Alabama, it is. Brutal conditions date back to 1975, when a federal court stopped the state prison

A WEEK IN ADOC PRISON FACILITIES

The following incidents are just some of those reported in ADOC’s records for one week. Based on what the DOJ learned from its investigation, the Department presumes that “many other serious incidents also occurred this week but were not reported by prisoners or staff.”

SUNDAY

At St. Clair, in an honor dormitory – a dormitory reserved for prisoners with good behavior – a prisoner was brutally woken to two prisoners beating him with a sock filled with metal locks, producing injuries requiring emergency treatment. Meanwhile at Ventress, a prisoner was stabbed by other prisoners with homemade knives.

MONDAY

At Staton, a correctional officer was threatened by a prisoner with a 7-inch knife.

TUESDAY

At Fountain, a prisoner set fire to another prisoner’s bed while he was sleeping, leading to a fight between the two men. At Ventress, officers searching a dormitory found 12 plastic bags of an unknown substance, 79 cigarettes laced with drugs, a bag of methamphetamines, and two bags containing “cookie dough” – a powder made of poisonous chemicals, mixed with tobacco and smoked.

WEDNESDAY

A prisoner at Easterling was sexually assaulted inside of a segregation cell by an inmate. This same prisoner had been forced at knifepoint to perform oral sex on two other prisoners four days prior.

THURSDAY

A prisoner at Bullock was found unresponsive on the floor by his bed and later died after overdosing on synthetic cannabinoid.

FRIDAY

At Ventress, a prisoner suffering a stab wound to the shoulder was transported to an outside hospital for treatment.

system from accepting any new prisoners until overcrowding and decay within prisons were addressed. Conditions have not meaningfully improved since that time. The State has tried to defend itself against a stream of class-action lawsuits. “Yet little has changed,” the DOJ notes. In fact, “violence in Alabama’s prisons has only increased since our inspections.”

Alabama’s Prisons Have the Highest Homicide Rate in the Country

Alabama’s prisons have a **homicide rate eight times the national average**. Between 2015 and mid-2018, 24 people became victims of homicide while in state custody. So many prisoners are

BY THE NUMBERS

- 13 *total state prisons*
- 5 *maximum custody prisons*
- 8 *medium custody prisons*
- 16,000 *male prisoners*
- 1,072 *employed correctional officers out of a necessary 3,326*
- 182% *average occupancy rate in Alabama’s men’s prisons*
- 75% *estimated percentage prisoners who are armed*
- 50-95% *estimated percentage of prisoners using drugs*
- \$31.6 million – *amount of overtime paid by ADOC in 2017*

assaulted, stabbed, and killed, that the Alabama Department of Corrections cannot keep track of the deaths. “There are numerous instances where ADOC incident reports classified deaths as due to ‘natural’ causes when, in actuality, the deaths were likely caused by prisoner-on-prisoner violence,” according to the DOJ. In one case, a man imprisoned at Kilby suffered stab wounds to his head, abdomen, back, and arm, including a stab wound into his skull that resulted in a skull fracture. Yet his death was classified as “natural.”

The DOJ’s summary of one homicide: “A prisoner was killed in a knife fight at St. Clair in February 2018, by another prisoner with an extensive history of being disciplined for possessing knives. The knife fight occurred in the front of a dormitory around 11:30 a.m. The victim was rushed to the hospital but was pronounced dead at 12:58 pm. The autopsy noted multiple stab wounds to the right lung, heart, liver, spleen, colon, and soft tissues. The assailant had been involved in a different knife fight at Holman in June 2016. He was found with knives in December 2016, and again in January 2017, when he was housed in segregation.”

Over the last five years, there have been two class-action lawsuits over prison conditions as well as the investigation conducted by the Department of Justice, yet homicide persists unabated. There have

been eight homicides in the first six months of 2019. Even after the DOJ released its report, the State continued its failure to address the violence, and two more people were killed. Both victims were serving prison sentences for non-homicide crimes. Jeremy Bailey, who was 29, was serving a 7-year-sentence for a drug offense when he was stabbed to death at Fountain Correctional Facility on June 15, 2019. Joseph Holloway, was 52 when he was killed on June 5 at Staton. He had been incarcerated 26 years for robbery at the time of his death.

The DOJ discovered – from autopsies produced by other agencies – 30 deaths that the prison system did not even report to federal investigators. “ADOC was unable to provide an explanation for these omissions. ADOC cannot address and prevent recurring harmful situations if it is unaware of the scope of the problems within Alabama’s prisons.”

Prisoners have “a constitutional right to be protected from the constant threat of violence and from physical assault by other inmates.” *Zatler v. Wainwright*, 802 F.2d 397, 400 (11th Cir. 1986).

Alabama fails to protect its prisoners from serious harm.

The DOJ reported that “prisoner-on-prisoner violence in Alabama’s prisons abounds – weekly in some prisons, daily in others.” Despite being on notice, through multiple lawsuits, federal court orders, and the DOJ investigation, the State of Alabama simply has not taken effective action, has failed to implement sensible policies that could save lives, and does not follow established corrections protocols that prevent harm in other state systems.

ADOC’s records revealed that “the number of prisoner-on-prisoner violence incidents has increased dramatically over the last five-and-a-half years.” Overcrowding and understaffing are the drivers; neither have been addressed. To survive, incarcerated people must arm themselves with weapons. A captain at Bibb Correctional Facility told DOJ that prisoners were making weapons from metal cut from fences in the yard, light fixtures, dish racks, and elsewhere. One prisoner recounted seeing a correctional officer watching a weapon being made without intervening. Commercially made weapons were also found, leading DOJ to suggest staff should be screened because these weapons were smuggled in.

Alabama has the nation’s fifth-highest incarceration rate, well above the average U.S. incarceration rate and the rates for neighboring states, including Georgia and South Carolina. The average occupancy rate at the 13 major correctional facilities is approximately 182%. Staton and Kilby prisons maintain outrageous occupancy rates of 272.6% and 319.8% respectively. And the State has been unable to recruit anywhere near the number of correctional officers required to keep prisons safe. “Staffing in Alabama’s prisons is at a crisis level,” the DOJ reported, and has only worsened as violence and corruption has increased.

A warden at Holman, a maximum-security prison, informed the DOJ that on any given day there are “probably 11” security staff per shift for the entire complex of 800 prisoners. Overtime is mandatory. It is not uncommon to see officers asleep on duty.

LEADING ISSUES IN ALABAMA PRISONS

- **Overcrowding** – Major prisons are at 182% of capacity, on average. Although the prison population has decreased, ADOC had to close a prison because it was unsanitary and unfit for occupation, so the overcrowding has not declined.

- **Understaffing** – The State has been able to employ only **one third** of the correctional officers needed. Three prisons have fewer than 20% of authorized officers. Entire dorms housing 180 men are often unsupervised for hours of shifts at a time. ADOC needs to recruit 2,000 new officers, but as violence spills over with officers also getting beaten, stabbed, and punched recruitment is more difficult than normal.

- **Contraband** – The State has failed to control the flow of illegal drugs and weapons. Dangerous and illegal drugs – often brought in by ADOC staff – are the largest drivers of death and violence. At least 22 prisoners died from drug overdoses in one year. But there are likely more, as again, ADOC has misclassified overdose deaths as “natural.”

- **Ineffective classification and management** – ADOC fails to separate potential predators from potential victims. The unsupervised housing units mean prisoners wander through the prisons. Even in disciplinary units for prisoners previously involved with violence or contraband, prisoners are commingled in an open dorm with no supervision.

What this means is that Alabama’s prisons are “objectively unsafe”; there is a substantial risk of serious harm for everyone sent to and housed in Alabama’s male prisons.

WEAPONS IN THE PRISONS

ADOC's incident reports reveal that "hundreds" of incidents involved the use of weapons. Additionally, interviews with staff and prisoners exposed that weapons are ubiquitous in Alabama's prisons. The DOJ describes the number of prisoners interviewed who had either been stabbed or had stabbed another prisoner as "overwhelming" and "alarming." The Department reports that **"it is clear from these reports and from the level of violence and stabbings indicated in ADOC's own incident reports that whatever measures are in place to prevent the creation and introduction of weapons, those measures are failing."**

At ADOC facilities the DOJ visited, shift commanders estimated that anywhere from 50-75% of inmates were armed with some sort of weapon. A prisoner at Holman surmised that "no security measures can get rid of all the knives hidden in open dormitories." A prisoner at Donaldson recounted seeing knives the size of machetes. **One prisoner even recalled being warned by officers when he arrived at Bibb that he would need a knife for protection.**

Most of the weapons are homemade, called "shanks," and often made from metal cut from fences in the yard, light fixtures, dish racks, and broomsticks. Other weapons are smuggled in by security officials and visitors, according to prisoners' reports. The DOJ reviewed incident reports detailing prisoners' possession of weapons ranging anywhere from 9 inches to 26 inches in length.

The Constitution requires prison officials adequately monitor prisoners and confiscate weapons and other dangerous contraband to ensure prisoners' health and safety. *Hudson*, 468 U.S. at 527. However, the DOJ cited many instances where correctional officers either failed to find weapons used in stabbings or neglected to search for identified weapons. The DOJ recognized the "widespread availability" of weapons in Alabama prisons and recommended enhanced screening of visitors and staff entering the facilities to prevent the smuggling of weapons.

Recruitment is understandably a challenge given that correctional officers also experience violence. ADOC's failure to protect prisoners from harm also endangers staff. Shortly after the federal investigation began, a correctional officer was stabbed to death at a prison. According to the DOJ, "the same underlying causes of prisoner-on-prisoner violence – understaffing, overcrowding, and prisoners' unfettered access to weapons and drugs – also leads to violence against correctional staff."

To discipline prisoners, ADOC uses an open-bay dormitory where prisoners – many who have been involved in violence – are housed together with no programming, limited food, and rare access to the outdoors. The result: "rapes, torture, and physical assault." ADOC persisted for years in using these "Hot Bays." "These deprivations raise tension levels within the unit," the DOJ found. However, unlike disciplinary units in other correctional systems, which require increased correctional staffing and supervision, prisoners and staff reported that there is little supervision in ADOC's Hot Bays, greatly contributing to the high level of violence in these units."

U.S. Department of Justice: **"ADOC officials must take precautions to protect prisoners from violence and are 'not free to let nature take its course' [quoting the U.S. Supreme Court in *Farmer v. Brennan*.] It is clear from the number of deaths, fights, and stabbings in Alabama's prisons that ADOC is failing to protect its prisoners, and nature is taking its course."**

Alabama fails to protect prisoners from sexual abuse.

"ADOC's incident reports document sexual abuse occurring in the dormitories, cells, recreation areas, the infirmary, bathrooms, and showers at all hours of the day and night." The DOJ investigation reveals that sexual abuse persists throughout ADOC prison facilities due to blind spots, inadequate supervision, and deficient responses to prisoners' complaints by staff.

The DOJ's summary of sexual abuse in an Alabama prison:

"In August 2018, a prisoner at Bibb called the Department's toll-free number to report that he was forced into nonconsensual sex acts with other prisoners while being extorted for drug money. He reported that he was constantly sleeping in other dormitories to escape the prisoners. He told us that when he reported the matter to Bibb's PREA resource officer, the officer told him that because he was in debt to another prisoner, nothing could be done." Seventeen more similarly shocking incidents are documented in the report.

In 2003, Congress passed the Prison Rape Elimination Act ("PREA") to address endemic sexual abuse among prisoners, and in 2012, the U.S. Department of Justice implemented national standards for prevention, detection, and response to prison rape to be adopted by all states. Despite Alabama's implementation of PREA regulations in 2014 and its public "zero tolerance" policy, Alabama prisons have some of the highest rates of sexual abuse in the country.

"Because of inadequate supervision, correctional officers do not observe the rampant sexual abuse, they do not intervene, and the cycle of abuse continues. As such, ADOC fails to protect prisoners from the harm of sexual abuse."

Rampant sexual assault is not inevitable in a prison setting. It is the result of poor management and staff responses and the constant flow of drugs through the prisons. Specifically:

- **Prison staff blame the victims rather than properly disciplining assailants.** Prisoners who are assaulted as a result of a drug debt or similar situation are disciplined for "creating a security/safety/health hazard." "A system that punishes prisoners who report violence if the victim is not blameless will discourage victims from reporting and allow sexual abuse to continue unabated in Alabama's prisons," the DOJ report states.
- **Prison staff place prisoners who fear for their lives or safety in segregation.** Restricted housing units within prisons reserved for prisoners who pose a threat to prisoners' safety or are being punished for rule infractions are also used to house those who are in danger. ADOC has created a situation where vulnerable prisoners "have no other choice if they want to stay safe from further sexual

DRUGS ARE PERVASIVE IN ALABAMA PRISONS

The DOJ reports that "dangerous and illegal drugs are highly prevalent in Alabama's prisons, and ADOC appears unable or unwilling to prevent the introduction and presence of drugs in its prisons." The widespread use of drugs in Alabama prisons contributes to the ongoing abuse among prisoners and poses a substantial risk of future violence. ADOC management, staff, and prisoners all reported that prisoners on drugs often "wig out" and harm others, and the inability to pay drug debts has led to beatings, stabbings, sexual assaults, and homicides.

ADOC's I&I Director declared that "drugs are the biggest problem in prison," and another ADOC investigator stated that "drugs are the biggest driver of violence in Alabama's prisons." **Over 70% of the prisoners interviewed by the DOJ specifically referred to the prevalence of drug use within the prisons** and its connection to extensive violence and abuse of prisoners, many referring to the drug problem as an "epidemic." Shift commanders from multiple prisons estimate that anywhere from 50 to 95% of their prisoners use drugs.

ADOC perpetuates abuse and drug trafficking by either funneling illegal contraband into Alabama prisons or turning a blind eye to the flow of drugs through its prisons. In fact, many correctional officers view the prison drug industry as an opportunity for gain. A recent internal investigation revealed that 11 officers were involved in the smuggling of drugs at just one prison. One staff member made \$75,000 assisting a drug-dealing prisoner in smuggling contraband into a prison. "Clearly, current ADOC policies have been unable to control or limit the drug trade in its prisons," the DOJ reports.

abuse” than to be placed in segregation, at risk of further abuse.

- **Large-scale drug use, which inevitably leads to drug debt, and drug debt often leads to extortion and abuse.** ADOC recognizes the dangerous environment perpetuated by drugs; however, ADOC has neither taken steps to mitigate the flow of drugs into its prisons nor offered drug treatment to prisoners in need. One common and often deadly drug is synthetic cannabinoid which can cause “rapid loss of consciousness/coma, cardiovascular effects . . . delirium, agitation, psychosis, and aggressive and violent behavior.” In addition to connections with sexual abuse, synthetic cannabinoids caused 22 deaths in ADOC in two years.

Alabama fails to provide safe, sanitary, and secure prison conditions.

Based on the DOJ’s site visits, hundreds of prisoner interviews, and public statements made by ADOC officials, “it is clear that decrepit conditions are common throughout Alabama’s prisons.” The most striking of these conditions include no working fire alarms in any ADOC facility, severe plumbing issues, leaky ceilings, deficient lighting, insects and vermin rampant in the dormitories and kitchen areas, and strains on ventilation and electrical systems due to extreme overcrowding, all of which have led to unsanitary living conditions. One prisoner reported to the investigators that a mop sink was currently being used as a urinal because all the toilets were backed up. Moreover, the Department detected many showers covered in mold as well as a number of plumbing systems lacking hot water. When the DOJ began its investigation, there were 14 ADOC facilities, including Draper. However, the investigation brought Draper’s **con**ditions to light and ADOC closed the facility down before the conclusion of the DOJ’s investigation.

New prisons alone cannot solve this human rights crisis.

The DOJ made clear that “**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, such as understaffing, culture, management deficiencies, corruption, policies, training, non-existent investigations, violence, illicit drugs, and sexual abuse. And new facilities would quickly fall into a state of disrepair if prisoners are unsupervised and largely left to their own devices, as is currently the case.**”

Even if no single one of these conditions of confinement would be unconstitutional in itself, “exposure to the cumulative effect of prison conditions may subject inmates to cruel and unusual punishment.”

Rhodes v. Chapman, 452 U.S. 337, 363 (1981).



It remains unclear if State leaders have the political will to address the death, violence, and terror that pervade state institutions where 26,000 Alabamians are confined. As federal authorities noted, **“Throughout this investigation, ADOC has not responded consistently when alerted to serious issues within its prisons.”**

The Department of Justice’s full report can be found online at <https://www.justice.gov/opa/press-release/file/1150276/download>.

Investigation Summary

After 4 prison facility visits, 55 ADOC staff interviews, 270 in-person prisoner interviews, and 500 telephone interviews with prisoners and their families as well as review of 400 letters from prisoners, “hundreds” of emails from prisoners and their families, and countless state records, the Department found reasonable cause to believe that ADOC has violated and is continuing to violate the Eighth Amendment rights of prisoners housed in men’s prisons.

About Alabama Appleseed

Alabama Appleseed Center for Law & Justice is a non-profit, non-partisan 501(c)(3) organization founded in 1999 whose mission is to work to achieve justice and equity for all Alabamians. We recognize the interconnected nature of rights and develop and implement integrated culture and policy change campaigns that remedy the root causes of injustice.