



Carmage Walls
Commentary Prize

2019 Entry Form

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Please give a brief explanation of issues discussed and the results achieved. (This space will expand as you type in your comments.)

These editorials examine the state of Alabama's prison system, which has for decades suffered from overcrowding, understaffing and underfunding, as well as the mismatch between the desire to "get tough on crime" while avoiding new taxes and spending. The state has made slight improvements in the way of alternative sentencing, and the public and political mood is swinging away from incarcerating nonviolent drug offenders.

Incarceration doesn't come cheap

THE ISSUE

A lawsuit alleging the wrongful death of a Morgan County Jail inmate puts the spotlight on a growing problem. Incarceration is expensive, and as long as Alabamians resist paying higher taxes, especially to house inmates, conditions will either continue to deteriorate or the state will have to jail fewer people.

There's a popular saying in America: "Don't do the crime if you can't do the time." But it has a flip side few consider: You can't lock people up without spending a buck.

Many bucks, it turns out. Jails and prisons don't come cheap, and while politicians and jailers have tried over the years to make inmates pay somehow for their own incarceration, neither prison labor nor schemes like charging outrageous rates to make phone calls are going to make incarceration pay for itself, never mind the point at which such ideas amount to cruel and unusual punishment in the eyes of the courts.

As overcrowding and the ongoing legal wrangling over mental health treatment in Alabama's prisons make clear, Alabama voters and their elected representatives demand more incarceration than they'd like to pay for. This is also true at the local level, where locking up people costs more than local leaders want to pay.

A wrongful death suit in federal court claims a Morgan County Jail inmate died because of inadequate care by contracted health care providers.

"Systemically these correctional health care providers save money by delaying expensive care," said the plaintiff's lawyer, Hank Sherrod of Florence. "Sometimes they can do that and maybe somebody suffers but nobody dies. If they roll the dice enough times, bad stuff can happen."

The complaint alleges Vanuelas Nicholas Martinez died April 21, 2015, at Decatur Morgan Hospital shortly after being transported there from the Morgan County Jail. Martinez's sister alleges two different health care providers hired by the county — Southern Health Partners Inc. and Quality Correctional Health Care Inc. — tried to cut costs and in the process provided substandard care.

Regardless of the merits of this particular

lawsuit, and regardless of how it turns out, providing prisoners with adequate health care is a major expense, and there always will be a temptation to economize.

"We spend a million bucks a year on jail health care," Morgan County Commission Chairman Ray Long said last week. "The whole (county) budget is \$21 million to \$22 million, and \$1 million of it is inmate medical care."

Long is right: That's a lot of money, and a disproportionate percentage of the county's overall budget. But providing adequate care for people in state custody, apart from being the humane thing to do, is also the law. The courts will demand it regardless of whether people think inmates are deserving.

Throughout the state, in counties where sheriffs are still allowed to keep "excess" funds left over from the feeding of jail inmates, sheriffs and county commissions are often at cross purposes. The sheriff has every incentive to increase jail capacity and occupancy and pocket the leftover food money. County commissions, however, are left with higher health costs.

If Morgan County voters approve a local amendment on the November ballot, the next Morgan County sheriff won't get to keep excess food money. That will eliminate one perverse incentive that puts the sheriff and the commission at odds.

That, however, will be just a marginal improvement. Rising health care costs are a national problem and require a national solution.

Inmates will continue to require health care, and the health care they're currently getting is already barely sufficient.

Alternatives to incarceration, such as community corrections, are one approach. Ultimately, however, voters and lawmakers will have to decide which crimes are worth locking people up. Eventually, something will have to give: fewer inmates or higher taxes.

Alabama must address its prisons

THE ISSUE

Alabama has one of the nation's highest incarceration rates and the nation's deadliest prisons. State officials blame overcrowding and understaffing for the epidemic of violence in the state's correctional facilities. Either Alabama must find ways to reduce its prison population, or taxpayers have to be willing to foot the bill for the tough-on-crime laws they support.

John David Teague of Hartselle was serving a 21-year sentence for a 2007 conviction for third-degree burglary in Morgan County when he was killed Monday in an Alabama prison.

Teague's death at the Staton Correctional Facility in Elmore was the first killing in an Alabama prison this year. It will likely not be the last.

From October 2016 until the end of last year, at least 18 inmates were killed by other inmates, according to statistics and news releases from the Alabama Department of Corrections.

The Equal Justice Initiative, a Montgomery-based nonprofit organization, released a report last year that concluded Alabama's prisons are the nation's deadliest. Inmates face the possibility of a de facto death penalty simply because Alabama's prisons are overcrowded, understaffed and in deteriorating condition.

In the prison system's current state, many inmates' punishments do not fit their crimes.

Teague, according to reports, was not a good guy. While trying to elude a Decatur police officer in August 2006, he hit the officer several times and ran over her with his vehicle, The Decatur Daily reported at the time. The officer, Marty McCaghren, was treated at the hospital and soon released.

According to the Equal Justice Initiative's report, Alabama's rate of over 34 homicides per 100,000 people incarcerated is more than 600 percent greater than the national average from 2001 to 2014.

Charlotte Morrison, an attorney with the group, told The Associated Press that prison staff and inmates live "under constant threat of violence."

"The violence is epidemic," Morrison said. "We have a crisis that is not going to get better until we see a more effective and committed response from state leadership to addressing the issue."

So far, state leadership has not been up to the challenge, even though everyone is aware

of the problem.

"There is a direct correlation between the level of prison violence and the shortage of correctional staff in an overpopulated prison system with limited resources for rehabilitating offenders," Department of Corrections spokesman Bob Horton told The AP. "The proliferation of drugs and criminal activity inside prisons also contribute to an increase in violent incidents."

Prisons are also warehousing inmates with serious mental illnesses, and this week the DOC just managed to avoid federal court sanctions for failing to meet mental health staffing targets.

Attorneys for inmates had filed a contempt motion saying the state was "woefully short" of required staffing levels, but the state and inmates' lawyers said this week "they reached a compromise on how to measure compliance with (the) order to boost mental health staff," according to The AP.

U.S. District Judge Myron Thompson ruled in 2017 that prison psychiatric care was "horrendously inadequate" and ordered the state to make changes.

A plan to build new prisons and replace most of the state's current ones has gone nowhere in the Legislature so far, both because of cost and because of wrangling over which counties will get the new prisons, which lawmakers see as economic boons to their communities.

Alternative sentencing approved by lawmakers has diverted some inmates from incarceration, but the Legislature habitually undercuts its own efforts by passing new "tough on crime" laws and sentencing. Alabama has one of the country's highest incarceration rates, and the U.S. has the world's highest incarceration rate.

The current situation cannot stand. Alabama either needs fewer prisoners or more prisons and more people staffing them.

If Alabamians want to keep so many people in prison, they're going to have to pay for it. As it stands, however, it appears the state wants more laws than it's willing to pay for.

State receives ultimatum on prisons

THE ISSUE

Despite flowery rhetoric about giving ex-cons a “second chance,” Alabama has put off dealing with its overcrowded prisons for so long it’s now become a constitutional issue. Either the state finally deals with the problem, or the federal government will.

Last week Gov. Kay Ivey signed a proclamation declaring April “Second Chance Month” in Alabama. The proclamation highlights the importance of reintegrating successfully those who have served time in prison back into society after they have served their sentences.

“There is no such thing as a throwaway person, and by granting second chances to those who have earned them, we will be contributing to the restoration of families, communities and our nation,” said Craig DeRoche of the Christian nonprofit group Prison Fellowship in response to Ivey’s declaration.

Ironically, the same day, the U.S. Department of Justice issued a report on the state of Alabama’s prisons. The word most frequently used to describe the Justice Department’s findings was “scathing,” and for once this was no mere rhetorical flourish.

Proclamations cost nothing, but “throw-away people” is exactly how Alabama treats those incarcerated in its aging, crumbling, overcrowded and understaffed prisons.

Alabama’s elected officials in the state Legislature and the governor’s office know this, yet despite much talk, as yet they have done nothing to address the issue.

Instead, it has festered. Now the Justice Department has given the state a deadline: Begin correcting decades of neglect within 49 days or potentially face a federal lawsuit.

Ivey responded with a promise to work together on “an Alabama solution,” meaning a solution Alabama’s officials formulate and not one imposed by the federal government. Given the state’s track record of dealing with civil rights abuses, however, we are not optimistic an “Alabama solution” that solves anything will be forthcoming, although we may get a “solution” that buys the state time.

How bad are Alabama’s prisons? The Justice Department left no room for doubt:

They’re so deplorable they violate the U.S. Constitution’s prohibition against cruel and unusual punishment.

The table of contents to the Justice Department’s 56-page report reads like a prosecutor’s opening statement, citing the “excessive number” of deaths due to violent assaults, which demonstrates that the Alabama Department of Corrections is unable to adequately keep inmates safe “even when officials have advance warning.”

The Justice Department charges that the state Department of Corrections is unable to protect inmates from violence, unable to keep out weapons, drugs and other contraband, and unable to stem sexual abuse in its prisons. Inmates who raise concerns can find themselves punished for other infractions for their trouble. It is little wonder suicide in Alabama prisons has become an epidemic. All of this also impacts the safety of corrections personnel.

Equally troubling are the Justice Department’s warnings about ADOC’s record-keeping, which obscures how bad things are.

“The prison system documented 24 prisoner homicides between January 2015 and June 2018, but the Justice Department said that high number was an undercount: It identified three more, and said the state sometimes classifies violent deaths as arising from natural causes,” The Associated Press summarized.

These problems are systemic and point to a culture of violence, abuse and negligence within the state’s prison system. This will not be solved simply by spending more money (although it will take that) or building more prisons. It takes a change of mindset, about who deserves to be locked up and about how they should be treated when in the state’s custody.

The state of Alabama can talk about giving inmates who have paid their debt a second chance, but the state is well past second chances when it comes to fixing its prisons. Either it acts, or the Justice Department will.

Prison reform must go further

THE ISSUE

Reforming Alabama's broken prison system will require more than building new prisons and hiring more guards, and Alabamians seem willing to embrace alternatives to incarceration for non-violent offenders. Lawmakers should follow their constituents' lead.

The Alabama House of Representatives voted last week to begin addressing the state's prison crisis. It may not be enough to avoid federal intervention.

The House passed 103-0 a General Fund budget that appropriates an additional \$40 million to the state Department of Corrections to hire 500 additional corrections officers and boost pay for all by 20% in order to encourage more people to work in the state's prisons.

"This is a first step. It's part of the plan. It certainly won't be all of the plan to try to address these issues," said Republican Rep. Steve Clouse, chairman of the House Ways and Means Committee.

It can't be all of the plan because it's certainly not enough to satisfy the U.S. Department of Justice, which has threatened to sue the state if it doesn't do something to drastically improve conditions for inmates in the state's prison system, which have deteriorated to the point the state can no longer guarantee a safe environment for either inmates or jailers.

Alabama prisons are at 160% capacity, and in the past two years, at least 26 people, both inmates and prison staff, have died violently within prison confines, the worst rate of any prison system in the nation, according to the Southern Poverty Law Center's statistics. In its threat to sue the state, the Justice Department also cited rampant sexual assaults, contraband and the punishment of inmates who raise concerns.

Everyone knows the state needs greater capacity to deal with its present number of inmates, and most of its current prisons are in such poor shape they need to be replaced.

Gov. Kay Ivey has proposed building three "mega-prisons" to take the place of most of Alabama's current prison system, and she's proposed a way of going about it that does an end run around the Legislature.

The Department of Corrections is currently seeking "expressions of interest"

from companies to build the three prisons and lease them back to the state for a maximum of \$78 million annually, according to The Associated Press. The mega-prisons would each have a capacity of more than 3,000 inmates, compared to just under 2,100 inmates in the largest of Alabama's current prisons.

This doesn't sit well with all lawmakers, some of whom see this as a power grab. It would obligate the state to make lease payments without requiring the legislative approval that would be required to finance prison construction the traditional way, by issuing a bond.

Other lawmakers worry the premise itself is flawed.

"Studies across the country have shown that mega-prisons are not the way to go," Rep. Chris England, D-Tuscaloosa, told The AP.

Most Alabamians don't seem eager to build new prisons. According to a poll released last week by the Public Affairs Research Council of Alabama, 58% of Alabamians oppose building new prisons to address overcrowding.

What do Alabamians support? Eighty-six percent support expanded rehabilitation and re-entry programs; 83% support moving people with nonviolent convictions back to the community; and 54% believe only violent offenders should go to prison.

In other words, Alabamians are far more inclined for the state to reduce its prison population than to continue maintaining one of the highest incarceration rates in the world.

According to the PARCA poll, however, 69% of Alabamians believe state officials don't care about their opinions.

It's time for lawmakers to prove their constituents wrong, and make reducing the prison population the primary focus of prison reform. New prisons are necessary, but they shouldn't be the be-all of Alabama's criminal justice policy.