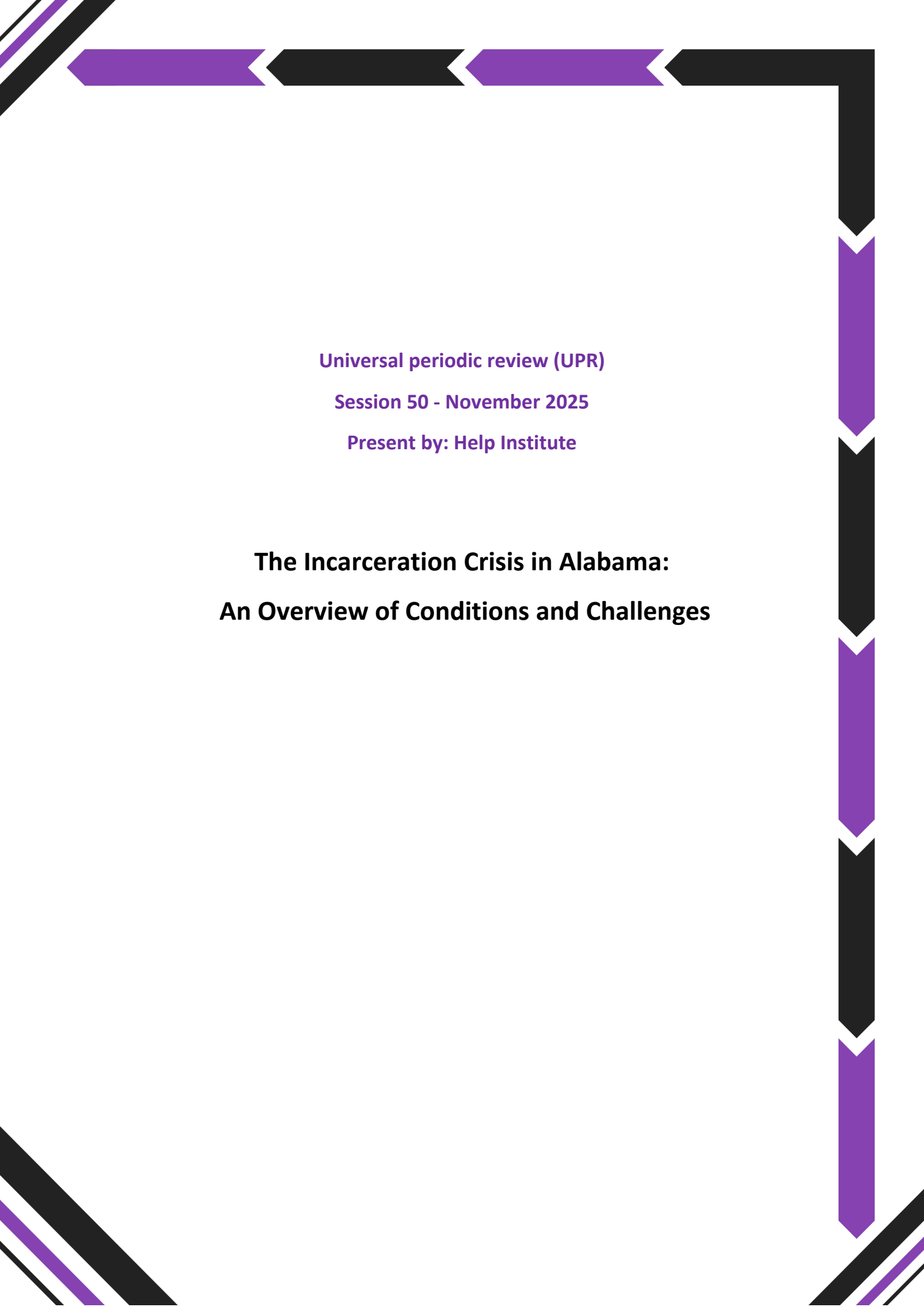




Universal periodic review (UPR)

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Present by: Help Institute

**The Incarceration Crisis in Alabama:
An Overview of Conditions and Challenges**

Introduction

Alabama stands out for having one of the highest incarceration rates in the world, second only to El Salvador. With 898 inmates per 100,000 residents, the state ranks sixth globally in incarceration rates, as highlighted by the Prison Policy Initiative in a report published in June 2024.

This staggering number not only reflects a desperate situation for the state's prison system but also calls into question the safety, treatment, and dignity of inmates within these facilities.¹

Current Incarceration Rates

According to the Prison Policy Initiative report, Alabama has an alarming incarceration rate that continues to rise. The state's prison system is not only overcrowded but is also marked by extreme violence and inadequate facilities.

The Federal government has taken notice: Alabama's prison system is currently under scrutiny, with the threat of a federal takeover looming.² This attention stems from persistent issues that have yet to be resolved, despite numerous warnings.³

Overcrowding and Violence

The chronic overcrowding in Alabama's Prisons for Men exacerbates the violence and conditions within the system. Reports indicate that there has been an increase in prisoner-on-prisoner homicides, alongside other forms of violence, including sexual abuse. The facilities themselves are grossly inadequate for the populations they serve, leading to a dangerous environment for inmates, staff, and the surrounding community.

Wanda Bertram, a spokesperson for the Prison Policy Initiative, emphasized the need for change rather than more infrastructure. As Alabama moves forward with plans to construct a new 4,000-bed facility in Elmore County at a cost exceeding \$1 billion, she argues that the focus should shift to strategies aimed at decreasing the inmate population instead.⁴

Congressional Reports and Federal Lawsuits

The situation has reached a critical point. A formal complaint filed by the U.S. Department of Justice in December 2020 detailed the severe conditions of confinement in Alabama's prisons. The U.S. Department of Justice's Civil Rights Division has notified the State of Alabama multiple times regarding the unconstitutionality of the conditions that prisoners endure, citing violations of the Eighth Amendment, which prohibits cruel and unusual

1 <https://www.prisonpolicy.org/profiles/AL.html>

2 <https://apnews.com/article/prisons-violence-alabama-lawsuits-united-states-6467adfbad9b5fc736b893ffb4264e1>

3 <https://alabamaappleseed.org/mass-incarceration/>

4 <https://www.al.com/news/2024/07/alabama-jails-more-people-per-capita-than-every-country-except-one-report-finds.html#:~:text=In%202013%2C%20there%20were%20about,16%25%20decrease%20in%2010%20years.>

punishment.⁵

The complaints include allegations of:

1. Failing to provide adequate safety measures against violent encounters between inmates.
2. Delivering conditions that are unsafe and unsanitary.
3. The excessive use of force by prison staff on inmates.

In a historic move, the Justice Department's Civil Rights Division launched an investigation in 2016, uncovering deeply troubling patterns of violence, abuse, and neglect that blatantly violate constitutional rights.

High Mortality Rates in Prisons

Tragic stories abound concerning the grim realities faced by inmates in Alabama. In 2024 alone, there were 277 recorded deaths in Alabama's prison system—a slight decline from the previous year's record high of 325.

While this reduction might seem promising, it is essential to note that the mortality rates within these facilities remain over four times the national average. According to the Alabama Appleseed Center for Law and Justice, the actual number of deaths could be higher than the official count.⁶

The mortality rate in Alabama's prisons is particularly startling: 1,358 deaths per 100,000 inmates compared to the national average of 330 deaths per 100,000, as reported by the U.S. Department of Justice Bureau of Justice Statistics. Such statistics are indicative of systemic failures within the prison system that must be addressed urgently.

Investigations into Violations of Rights

In recent years, significant concerns have been raised regarding the conditions and treatment of prisoners in Alabama's men's prisons. An investigation initiated in October 2016 by the Civil Rights Division uncovered serious allegations of violence, abuse, and neglect within the prison system, prompting a formal inquiry under the Civil Rights of Institutionalized Persons Act.⁷

The findings of this investigation revealed troubling violations of the Eighth Amendment, which protects against cruel and unusual punishment. Subsequent reports and a lawsuit filed by the United States in December 2020 highlight ongoing issues such as prisoner-on-prisoner violence, sexual abuse, and the use of excessive force by staff. This situation calls for urgent attention to ensure the safety and humane treatment of individuals incarcerated

⁵ <https://www.justice.gov/crt/special-litigation-section-case-summaries#:~:text=The%20complaint%20alleges%20that%20the,conditions%3B%20and%20subjecting%20prisoners%20to>

⁶ <https://alabamaappleseed.org/news/incarcerated-man-hospitalized-after-use-of-force-by-adoc-sergeant-at-st-clair-prison-2/>

⁷ <https://www.justice.gov/archives/opa/pr/justice-department-announces-statewide-investigation-conditions-alabama-s-prisons-men>

in Alabama's correctional facilities.⁸

In July 2020, the Civil Rights Division found that the Alabama Department of Corrections violates the Eighth Amendment⁹ by subjecting prisoners to the use of excessive force by staff. On December 9, 2020, the United States filed a lawsuit against the State of Alabama and the Alabama Department of Corrections, pursuant to the Civil Rights of Institutionalized Persons ("CRIPA").

The complaint alleges that the conditions at Alabama's prisons for men violate the Eighth Amendment of the Constitution by failing to provide adequate protection from prisoner-on-prisoner violence and prisoner-on-prisoner sexual abuse; failing to provide safe and sanitary conditions; and subjecting prisoners to excessive force at the hands of prison staff.

On April 2, 2019, the U.S. Department of Justice's Civil Rights Division, Special Litigation Section, and the three U.S. Attorney's Offices for the State of Alabama (the United States) notified the State of Alabama of its findings that, in violation of the Constitution, prisoners housed in Alabama's Prisons for Men are at serious risk of death, physical violence, and sexual abuse at the hands of other prisoners, and are housed in unsafe and unsanitary conditions.¹⁰

On July 23, 2020, the United States notified the State of Alabama of its findings that, in violation of the Constitution, security staff frequently use excessive force on prisoners housed in all Alabama's major correctional facilities for men, except for the Hamilton Aged & Infirm Correctional Facility.

Notable findings included alarming instances of violence in the prisons. For example, one prisoner's body went unnoticed for an extended period, resulting in severe decomposition when it was finally discovered. Another account reported an inmate who was tied up and tortured for two days without intervention. These horrific episodes shed light on a system rife with neglect, underscoring the need for immediate reform.¹¹

Staffing Shortages and Conditions

A significant factor contributing to the crisis in Alabama's prison system is the critically low staffing levels. With a reduced number of guards, incidents of excessive force by prison staff have become alarmingly common. Staff shortages result in a lack of oversight within the facilities, creating an environment where violence, abuse, and harassment can thrive unchecked.¹²

Reports from the Justice Department indicate that the alarming rates of sexual assault and harassment are further exacerbated by insufficient staff presence and inadequate training. With security staff frequently resorting to excessive measures, the already dangerous prison

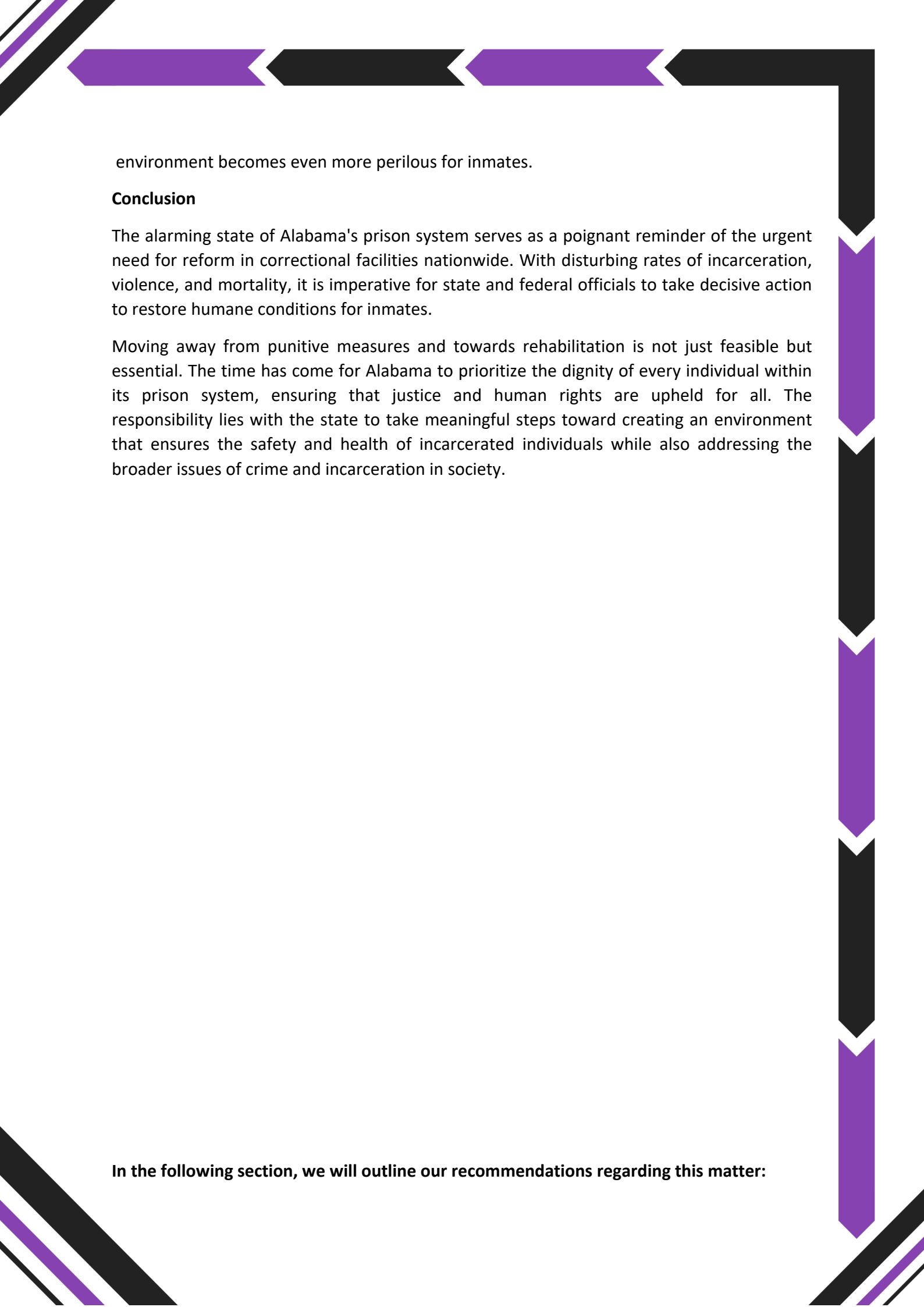
⁸ <https://www.justice.gov/crt/special-litigation-section-case-summaries#:~:text=The%20complaint%20alleges%20that%20the,conditions%3B%20and%20subjecting%20prisoners%20to>

⁹ "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted"

¹⁰ https://www.justice.gov/d9/2023-08/doc_71_second_amended_complaint.pdf

¹¹ <https://www.nytimes.com/2019/04/03/us/alabama-prisons-doj-investigation.html>

¹² <https://www.nytimes.com/2019/04/03/us/alabama-prisons-doj-investigation.html>



environment becomes even more perilous for inmates.

Conclusion

The alarming state of Alabama's prison system serves as a poignant reminder of the urgent need for reform in correctional facilities nationwide. With disturbing rates of incarceration, violence, and mortality, it is imperative for state and federal officials to take decisive action to restore humane conditions for inmates.

Moving away from punitive measures and towards rehabilitation is not just feasible but essential. The time has come for Alabama to prioritize the dignity of every individual within its prison system, ensuring that justice and human rights are upheld for all. The responsibility lies with the state to take meaningful steps toward creating an environment that ensures the safety and health of incarcerated individuals while also addressing the broader issues of crime and incarceration in society.

In the following section, we will outline our recommendations regarding this matter:

1. The continued plight of Alabama's prisoners has sparked growing advocacy for comprehensive reform. Legal and human rights organizations are urging state lawmakers to reconsider their approach to incarceration. The focus should shift toward rehabilitation, mental health services, and reducing the overall prison population rather than merely expanding prison infrastructure. Innovative alternatives to imprisonment, such as community service, probation, and rehabilitation programs, are crucial components that can alleviate overcrowding and improve outcomes for inmates. Advocates argue that implementing these approaches would not only protect human rights but also strengthen public safety in the long run.
2. Moving forward, it is crucial for state lawmakers and correctional officials to prioritize the humane treatment of inmates. The risks to life and safety within Alabama's prison system have reached critical levels, demanding immediate action. Achieving lasting change will require collaboration among state officials, legal advocates, and community organizations.
3. Federal oversight might be necessary to ensure compliance with constitutional standards. By adopting a comprehensive framework that emphasizes rehabilitation and accountability, Alabama has the opportunity not only to rectify its failing prison system but to set a precedent for humane treatment of all incarcerated individuals.
4. According to the UN basic Principles for the Treatment of Prisoners¹³, all prisoners shall be treated with the respect due to their inherent dignity and value as human beings.
5. According to United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)¹⁴ Rule 74 and 77, the prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of prisons depends and All prison staff shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect. Also, according to Rule 24, the provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.

We strongly advocate for the United States government to adhere to the established United Nations resolutions and to uphold the United Nations Standard Minimum Rules for the Treatment of Prisoners, commonly referred to as the Nelson Mandela Rules. These guidelines emphasize the inherent dignity of all individuals in detention and set forth essential standards for the humane treatment and rehabilitation of prisoners. It is crucial that the U.S. aligns its practices with these international norms to ensure justice, human rights, and the welfare of incarcerated individuals.

¹³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-treatment-prisoners#:~:text=All%20prisoners%20shall%20be%20treated,property%2C%20birth%20or%20other%20status.>

¹⁴ https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf