

# FAIR & JUST

ALABAMIANS FOR FAIR JUSTICE NEWSLETTER



## **DIVERSION PROGRAMS, PRISON EDUCATION POSSIBLE FOCUS OF CRIMINAL JUSTICE LEGISLATIVE REFORMS**

MELISSA BROWN, MONTGOMERY ADVERTISER

Alabama legislators on Tuesday wrapped a study group on prison issues and possible reforms, including a renewed focus on programs such as in-prison educational opportunities and diversion programs that legislators believe could bring "long-term solutions" but acknowledged would be expensive for the state to implement.

Sen. Cam Ward, R-Alabaster, said he believes there is bipartisan support to address Alabama's embattled prison system, a subject of ongoing lawsuits and a searing Department of Justice investigation last spring. The study group is expected to deliver a report to Gov. Kay Ivey before the legislative session begins on Feb. 4.

Community corrections and diversion programs aimed at addressing offenders before they make it into the prison system were broadly discussed Wednesday, as well as increasing educational opportunities for prisoners that would provide benchmarks to work toward for parole as well as reduce the risk of prisoners re-offending.

## **IN THIS ISSUE**

**WHO IS  
ALABAMIANS  
FOR FAIR  
JUSTICE?**

**CJ STUDY  
GROUP**

**AFJ POLICY  
PROPOSALS**

**ALABAMA  
PRISONS  
HEADLINES**

**NEWSLETTER #1**

**AFJ** is a new and growing coalition committed to centering the experiences of the people directly impacted by Alabama prisons. The Fair & Just Newsletter is one way we, as people on the outside, communicate news, share resources and build relationships with people on the inside.



## **BUILDING A MOVEMENT**

In prioritizing the voices of people directly impacted by Alabama prisons, we invite comments, questions and all feedback from currently incarcerated people. Send us your thoughts, ideas and vision for a more just Alabama.

Alabamians for Fair Justice  
P.O. Box # 4893  
Montgomery, AL 36103

Note: Please be aware that anything you write to us may be read by officers or prison staff. It is your decision whether to write and what to include. Additionally, AFJ does not offer legal advice or accept solicitation for legal advice.

## **INSIDE/OUTSIDE ALLIANCE**

Friends, family and advocates with people on the inside can join this movement for a more fair and just Alabama by visiting our website or through the Facebook group, "Alabama Incarcerated Families United."

[alabamafairjustice.org/join](http://alabamafairjustice.org/join)

## **WHO IS ALABAMIANS FOR FAIR JUSTICE?**

- ACLU of Alabama
- Alabama Appleseed
- Alabama Arise
- Alabama Civic Engagement Coalition
- Alabama CURE
- Alabama Justice Initiative
- Alabama Disabilities Advocacy Program
- Alabama Institute for Social Justice
- Faith in Action Alabama
- Greater Birmingham Ministries
- Offender Alumni Association
- SPLC Action Fund
- The Ordinary People Society

January 17th 2020

# To our friends, family and comrades in Alabama prisons--

We hope this newsletter finds you well. We are writing with the first newsletter of the Alabamians for Fair Justice (AFJ) Coalition. If you are receiving this, you have expressed interest in getting updates in AFJ in some way. If you did not, or if you do not want to receive future newsletters, please write back and let us know.

Alabamians for Fair Justice is a coalition of people directly impacted by the prison system and other supporting organizations. The coalition formed to advance bold, evidence-based solutions to Alabama's prison crisis. We have joined forces because the State of Alabama has failed to protect incarcerated people from violence, sexual assault, and death. Those violations are widespread and have created a human rights crisis in Alabama's prisons and jails.

Our coalition is motivated to act now. We are dedicated to keeping this crisis in front of the public and our elected leaders. The coalition is new, and still growing. So far, Alabamians for Fair Justice has participated in collective action on several occasions. The group released a statement on a series of deaths in ADOC in October 2019. We pushed for media attention to the unmet medical needs of currently incarcerated people. And we launched a "Reimagine Justice" Fellows Program for people directly impacted by the Alabama criminal justice system. AFJ has also brought community members to each public meeting of the Governor's Study Group on Criminal Justice. For more information on the Study Group, see below in this newsletter. Most recently, we responded to Commissioner Dunn receiving a national award for "leadership" by pointing out how people in prison have suffered on his watch. We later called on the legislature to create an independent oversight commission for ADOC that would include currently and formerly incarcerated advocates and allies.

In loving solidarity,

Alabamians for Fair Justice

# Legislative Updates

"[There is] reasonable cause to believe that conditions at Alabama's prisons violate the Eighth Amendment to the Constitution."

## DOJ INVESTIGATION

In 2016, the **Department of Justice** began an official investigation of Alabama's prisons conditions. In April 2019, the DOJ released a report that confirmed that Alabama's prisons conditions are a violation of incarcerated people's constitutional rights. The report explains that the Alabama Department of Corrections does not protect people from violence and sexual abuse. The report also says that these safety issues are made worse by overcrowding and inadequate staffing.

## DOJ REPORT & 2019 LEGISLATIVE SESSION

When the DOJ report was released in **April 2019**, the Alabama Legislature was in session. During that legislative session, lawmakers and constituents were already having conversations about prison reform and sentencing reform. The DOJ report made many people understand the serious need for these types of reforms. However, lawmakers did not take action to solve any of the problems that were named in the DOJ Report.

## HB 468

During the 2019 legislative session, lawmakers passed **HB 468** which allowed for a pay increase to certain Alabama Department of Corrections employees. This bill was meant to be an incentive for the current ADOC staff and any future hires. The raise amount fell well below the threshold suggested by the state's own experts in an ongoing lawsuit over prison conditions.

## HB 380

Another bill that lawmakers passed during the 2019 legislative session was **HB 380**. This bill changed the Board of Pardons and Paroles into the Bureau of Pardons and Paroles and created these rules:

- One board member must have experience investigating violent crime.
- Governor is allowed to choose the bureau's director
- Minimum incarceration lengths for parole eligibility
- Additional victim notification procedures
- AG and Governor require notice of any early parole consideration
- AG and the Governor can veto any early parole decision

# Governor's Study Group

## STUDY GROUP PURPOSE

After the Department of Justice released their report, advocates, journalists and directly impacted people pushed the legislature to act. Governor Ivey initially indicated she would call a Fall 2019 “Special Session” to take on prison issues. However, Governor Ivey did not call the Special Session and instead, convened the “Study Group on Criminal Justice Policy,” and tasked the group with exploring criminal justice policies and their impact on both prison conditions and the overall criminal legal system. Following the full exploration, the study group is responsible for making recommendations to the state.

## STUDY GROUP MEMBERS

The study group members:

- Champ Lyons, Justice
- Steve Marshall, Attorney General
- Kelly Butler, Finance Director
- Jeff Dunn, ADOC Commissioner
- Cam Ward, Senator
- Bobby Singleton, Senator
- Clyde Chambliss, Senator
- Jim Hill, Representative
- Connie Row, Representative
- Chris England, Representative

- There are **NO** formerly or currently incarcerated people.
- There are **NO** families of directly impacted people.
- There are **NO** representatives from advocacy groups.
- There are **NO** academic experts on prison conditions.
- There are **NO** public defenders.

**AFJ Coalition leaders led a rally and march to the Alabama Statehouse for the final study group meeting. The study group is expected to deliver their report by the start of the Alabama legislative session on February 4th 2020.**



# STUDY GROUP MEETING RECAPS

## AUGUST LAWSUITS AGAINST ADOC

The attorneys representing ADOC discussed *Braggs v. Dunn*, which is a lawsuit regarding healthcare in prison. Attorneys representing incarcerated people did not get to speak.

## SEPTEMBER ALAMABA PRISON OPERATIONS

The deputy and associate commissioners for ADOC discussed ongoing safety raids on contraband, conditions at Tutwiler correctional facility and system-wide correctional staffing shortages.

## OCTOBER POTENTIAL SENTENCING REFORMS

The director of the Alabama Sentencing Commission discussed how different reform types would impact the overall prison population. He did not offer any specific recommendations.

## NOVEMBER PARDONS, PAROLES & PROGRAMMING

The deputy commissioner for ADOC discussed the educational programming offered by state partners. A representative from Pardons & Paroles discussed their current challenges.

## DECEMBER FIRST & ONLY PUBLIC COMMENTARY

Representatives from the Alabamians for Fair Justice Coalition shared their testimony regarding their experiences, ideas and recommendations for criminal justice reform.

## JANUARY DISCUSSION OF STUDY FINDINGS

AFJ Coalition leaders led a rally outside the study group meeting. Study group members discussed their thoughts on what reforms should be prioritized but did not release an official report.

# AFJ Coalition Policy Recommendations



Since its formation, Alabamians for Fair Justice has been working on a series of policy recommendations - related to sentencing reform as well as other issues - to push policymakers towards real change. These policy recommendations include:

- Repeal of the Habitual Felony Offender Act
- End felony convictions in all possession of marijuana cases and establish a citation-only violation
- Set reasonable weight thresholds for sale/distribution of marijuana and increase the threshold for marijuana trafficking
- Increase thresholds for property theft
- Make retroactive the presumptive sentencing guidelines
- Redefine “violent” offenses to cases involving physical injury or serious, immediate threat
- Eliminate cash bail
- Increase supports for mental health  
Increase supports for re-entry programs

More of our recommendations can be found on our website or sent to you by request. If there are issues you do not think we are addressing, we would love to hear from you by mail.

**Note: In response to confusion about Alabama’s parole system, members of this coalition have put together a guidebook to parole in Alabama. The guidebook includes information about how to navigate and self-advocate in the parole process. If you are interested in receiving a copy of this guidebook once it is published, you can respond to this newsletter. The guidebook is not legal advice.**

# ANONYMOUS SURVEY

We want to make sure our advocacy is shaped by the people most affected by legislation related to prisons and the criminal punishment system. Your experiences and opinions will add important value to our message to legislators. Please help us by filling out this survey and mailing it back to us, Alabamians for Fair Justice coalition, in the included pre-addressed and pre-stamped envelope.



*Note: We will use your responses in our advocacy; we will not share your name or where you are housed.*

**What are the current problems you see in the prisons where you've been housed?**

**What would you like to see improved in the prisons?**

**Do you think new prisons will solve the problems you listed above?**

**How do you feel about a prison with 3,000 (or more) beds? Would you feel safe?**

**What changes could lawmakers make to improve the conditions in Alabama prisons?**

**Which of the following do you think would make the most difference in improving conditions in prisons and keeping you safe, and make you better prepared for life after release?**

**Please give a ranking of 1-7 (1 being the HIGHEST priority and 7 being the LOWEST priority).**

- \_\_\_\_\_ More and better trained staff
- \_\_\_\_\_ More programs, classes, and activities
- \_\_\_\_\_ New prison buildings
- \_\_\_\_\_ Better medical care
- \_\_\_\_\_ Management that responds well to problems
- \_\_\_\_\_ More effective drug intervention strategies
- \_\_\_\_\_ More effective violence intervention strategies

**Is there anything else you would like to share?**