



ALABAMA HOUSE MAJORITY CAUCUS

ALABAMA STATE HOUSE

MONTGOMERY, ALABAMA 36130

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MAJORITY LEADER

To: Alabama House Republican Caucus Members

From: Majority Leader Nathaniel Ledbetter

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HOUSE REPUBLICAN CAUCUS TALKING POINTS MEMO FOR FIRST SPECIAL SESSION OF 2021

WHY THE SPECIAL SESSION WAS CALLED

- Living conditions, staffing levels, medical and mental health services, and rehabilitation programs within Alabama's corrections system have deteriorated for decades and resulted in several lawsuits and adverse - and sometimes even hostile - rulings from the federal courts.
- In 2020, the Trump Justice Department filed a lawsuit in U.S. District Court alleging that the state prison system violates the constitutional rights of prisoners by failure to protect them from assaults and sexual abuse from other inmates, the use of excessive force by correctional officers, and housing them in dangerous and unsanitary conditions.
 - The issues cited in the filing include broken locks, a lack of surveillance cameras and convex mirrors, blind spots that allow violence and sexual abuse to go undetected, and inadequate shower and toilet facilities that fail, cause flooding, and raise tensions among prisoners.
 - The Trump DOJ lawsuit said Alabama had the nation's highest rate of prison killings in 2018 with 33 inmates murdered by other prisoners.
 - It also noted that from September 2018 to September 2019 at least 280 inmates required hospital care after suffering injuries from assaults, and the ADOC documented more than 600 incidents of sexual assault from late 2016 to April 2018.
- Alabama's prisons also suffer from intense overcrowding with more than 15,000 inmates being held in facilities designed and built for a total capacity of just 10,000.

- In 2011, **federal judges ordered California to immediately release 30,000 inmates in order to reduce the state's prison population**, which was at 137% capacity at the time.
 - Federal judges **could order similar releases of violent and dangerous criminals here unless Alabama begins immediate efforts to improve prison conditions** and comply with current and anticipated court orders.
- U.S. District Judge Myron Thompson has **already ruled that the mental health services currently provided to Alabama's inmates do not meet constitutional standards**.
- The federal court has also **ordered Alabama to increase its staffing by hiring an additional 2,000 correctional officers**, but the **threat of violence and poor conditions for inmates and employees alike have made it difficult - if not impossible - for the Department of Corrections to find a sufficient number of qualified candidates willing to work within prison facilities** even though higher salaries and bonuses have been offered.
 - A 2018 staffing report showed the **ADOC had 1,072 correctional officers out of 3,326 authorized positions**. That number grew to 1,413 correctional officers by the first quarter of 2020, but the number of **supervisors declined from 359 to 313** during the same period.

THE PRISON CONSTRUCTION PLAN

- Legislation passed by the House and Senate will **allow construction of a new 4,000-bed men's prison in Elmore County, which will have facilities for medical and mental health care, addiction treatment, and education programs, and a second 4,000-bed men's prison in Escambia County**.
 - A **second phase could begin once the first phase is 60% completed and funding has been certified**, and it **includes renovations of Donaldson prison in Jefferson County, Limestone prison in Limestone County, and one of the prisons in either Barbour or Bullock counties**.
 - The second phase **also includes a new 1,000-bed women's prison in Elmore County to replace 80-year-old Julia Tutwiler Prison**.

- As new prisons come online, **older facilities will be repurposed, reused, or closed** depending upon assessments of how to best utilize them.
- According to the plan, **construction could begin as early as 2022 and be completed by 2025.**

FUNDING FOR PRISON CONSTRUCTION

- **Funding for the projects will come from a \$785 million bond issue, \$400 million in federal dollars from the American Rescue Plan Act, and \$154 million from the state General Fund.**
 - **Phase II projects of the prison improvement plan will be funded with a “pay-as-you-go” method,** which results in a **responsible and affordable approach that does not demand additional debt.**
 - **\$19 million of the General Fund dollars will be used to buy a vacant, 700-bed private prison in Uniontown** that the Alabama Board of Pardons and Paroles intends to use to house and treat offenders who have violated terms of their parole or probation.
 - The purchased facility will **house parolees who violate their terms and are required serve to short-term, 45-day stints,** known as “dunks,” within a state correctional facility.
 - **Liberal groups have protested using the American Rescue Plan Act funds for prison construction** rather than COVID relief or giveaway programs, but the **dollars being utilized are discretionary funds that are being awarded to reimburse the state for revenues lost as a result of the pandemic.**
 - Budget **analysts estimate that Alabama lost roughly \$537 million in revenues from the business closings, shutdowns, and other adverse economic effects resulting from the pandemic,** and the \$400 million comes from that reimbursement.
 - Some liberal groups and columnists have also **suggested we should use the dollars, instead, for initiatives like expanding Obamacare and other projects that require recurring funding, which would be irresponsible.**

- **Using one-time dollars for one-time costs, like prison construction, is a conservative and fiscally-responsible utilization** of the federal reimbursement for lost revenues.

PRISON CONSTRUCTION PROCEDURES

- The **contractors for constructing the two new facilities were chosen in a competitive process** as part of the prison lease proposal that was ultimately not pursued.
 - **Starting over would cost the state roughly \$75 million in additional expenses and add an additional year until construction begins**, which would be wasteful because so few contractors specialize in prison construction and the likely outcome of repeating the competitive selection process would result in the same vendors being chosen,
- **Subcontractors are likewise chosen in a competitive bid process that considers price, qualifications, and prior performance** on other projects.
 - The state intends to **maximize the use of Alabama-based companies, subcontractors, material providers, etc.**
- The **Elmore and Escambia county construction projects will utilize the design/build model**, which an in-depth **study conducted at the University of Texas at Austin showed had a 102% faster delivery speed, a 6% reduction in change orders, and 3.8% less cost growth** compared to design-bid-build.
 - **Construction of the prisons will be slightly staggered rather than running parallel** so subcontractors, vendors, and suppliers won't be forced to service two massive projects simultaneously and **can better manage their workloads, resources, and employees**.

MANDATORY SUPERVISED RELEASE LEGISLATION

- In order to **monitor their activities, track rehabilitation, and reduce recidivism**, the Legislature also **approved a measure requiring inmates to undergo a period of heightened mandatory supervision by the Alabama Bureau of Pardons and Paroles prior to their end of sentence release**.

- **A previous bill required mandatory supervision of inmates who were convicted after 2015, so this legislation extends the statute to include those who were convicted prior to 2015.**
- **Sex offenders whose victims were children do not fall under the provisions of the statute.**
- Rather than allowing inmates to end their sentence with no oversight of any kind, the bill **allows for a mandatory period of supervised release, which can include electronic monitoring, such as ankle bracelets or invisible fencing, if the Bureau of Pardons and Paroles deems it necessary.**
- Research has offered strong evidence that **mandatory supervision prior to release can reduce recidivism by as much as 40%.**
- **Inmates under supervised release will also be issued non-driver's identification cards,** which can **help them secure employment** and more easily begin establishing their post-prison lives.
 - The ID cards also **ensure that law enforcement may accurately establish their identities,** if necessary.
- The **periods of mandatory supervised release** overseen by the Bureau of Pardons and Paroles, which are **determined by the length of sentence served,** are:
 - For those with **sentences of 5 years or less, three to five months.**
 - For those with **sentences of 5 to 10 years, six to nine months.**
 - For those with **sentences of more than 10 years, 10 to 12 months.**