

“An excessive amount of violence, sexual abuse, and prisoner deaths”

Federal report exposes horrific levels of abuse in Alabama prisons

By Niles Niemuth
5 April 2019

The US Department of Justice (DoJ) released a 56-page report Wednesday systematically outlining the unchecked violence and sexual abuse which is the outcome of the degrading and subhuman conditions in the state of Alabama’s prison system. The report serves as a damning indictment of America’s entire criminal justice system, the largest in the world, which currently holding 2.3 million people in prisons and jails across the country in nearly identical conditions.

The report exposes appalling violations of constitutional protections for the approximately 25,000 men locked up in facilities operated by the Alabama Department of Corrections (ADOC), concluding that “an excessive amount of violence, sexual abuse, and prisoner deaths occur within Alabama’s prisons on a regular basis.”

These conclusions were the outcome of a more than two-year federal investigation which was sparked by a class action lawsuit filed by the Equal Justice Initiative on behalf of men imprisoned in the St. Clair Correctional Facility, among the most notorious prisons in the state. The suit presented evidence of rampant abuse by Alabama prison officials.

Investigators were tasked with determining whether the ADOC was providing inmates with adequate protection from physical and sexual assault from fellow prisoners and from guards as well as guaranteeing safe and sanitary living conditions.

Beginning under the Obama administration and continuing through the Trump administration, including under the oversight of Attorney General Jeff Sessions, a former US Senator from Alabama, the

investigation revealed conditions so horrifying that they could not simply be swept under the rug.

While the DoJ’s investigation only scratched the surface, the report notes that many assaults, rapes and deaths go unreported or are misclassified by prison officials, and serves as a confirmation that conditions in Alabama’s prison system, and the US as a whole, criminally and flagrantly exceed the Eighth amendment’s proscriptions on cruel and unusual punishment.

“The violations are severe, systemic,” the report’s authors note, “and exacerbated by serious deficiencies in staffing and supervision; overcrowding; ineffective housing and classification protocols; inadequate incident reporting; inability to control the flow of contraband into and within the prisons, including illegal drugs and weapons; ineffective prison management and training; insufficient maintenance and cleaning of facilities; the use of segregation and solitary confinement to both punish and protect victims of violence and/or sexual abuse; and a high level of violence that is too common, cruel, of an unusual nature, and pervasive.”

Investigators conducted interviews with more than 270 prisoners and reviewed hundreds of letters and emails from inmates and their family members to establish a picture of life in Alabama’s prisons.

Illustrating the brutal experience of inmates, the report outlines a dozen violent assaults and murders which occurred within one single week in September 2017. There were beatings, stabbings, drug overdoses and rapes recorded on every day of the week across the

state's penal system.

Three days before the arrival of DoJ investigators, a prisoner was stabbed to death by fellow inmates in the "Hot Bay" housing unit of Bibb Correctional Facility. Prisoners had to bang on the doors of the housing unit to get the attention of guards who rarely kept watch over the men held in the segregated unit. When guards finally arrived, the victim had dragged himself to the front doors, bleeding to death from a grievous chest wound.

The *New York Times* published an article prior to the report's release noting that it had received from the Southern Poverty Law Center (SPLC) over 2,000 photos depicting abuse at St. Clair prison.

While the pictures constitute a powerful exposure of the nightmare confronting prisoners, the *Times* claimed most of them were too shocking or lacking proper context to publish. Only a handful have been posted, including one which shows a solitary confinement cell where a prisoner had cut himself with razor blades and scrawled in blood on the walls, "Im dprest [sic], Mental Health won't help." Another picture shows a prisoner on a medical table, his white shoes and white uniform stained with blood.

"I don't think there is any dispute that the conditions in Alabama prisons are desperate. They are the worst I've seen in 35 years. There is an immediate need for reform," Bryan Stevenson of the Equal Justice Initiative told the Associated Press on Wednesday. "People are being murdered on a regular basis."

Despite the shocking nature of the revelations and the urgent need of prisoners for protection, there is little to indicate that anything will change for the better in Alabama's prisons. The Trump administration will leave the decision on what, if any, reforms to implement up to Republican Governor Kay Ivey and the Republican-controlled state legislature without even the fig leaf of federal oversight. Ivey is proposing to spend more than \$1 billion to build three new prisons for men, while Republican legislators are considering a proposal by the ADOC to hire 500 additional prison guards.

US District Judge Myron Thompson ruled in 2017 in a lawsuit brought against the ADOC by the SPLC that Alabama prisons provided "horrendously inadequate" mental health care to inmates and required changes to remedy the situation. However, after the prison system

recorded 15 suicides over the last 15 months, Thompson is once again hearing testimony on how to implement preventive measures and put a stop to what prisoners' attorneys have described as an "ultra-emergency."

Inmates should not expect any relief from the Supreme Court, which ruled Monday in *Bucklew v. Precythe*, by a 5-4 vote, that the execution by lethal injection of a prisoner with a rare form of cancer, which would result in him suffering severe pain, did not constitute cruel and unusual punishment.

Justice Neil Gorsuch, author of the opinion, engaged in an extensive discussion of the forms of execution which would have been considered cruel and unusual at the time the Eighth amendment was adopted in 1791, ruling out only hanging, drawing and quartering, dragging through the streets, and being burned at the stake. Applying this same logic, the conditions confronted by prisoners across the United States could only be considered cruel and unusual if officials decided to bring back mutilation, branding, the stocks, or penal transportation, as forms of punishment.

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