Written Statement of Maria Goellner  
Director of State Policy, FAMM  
Hearing before the Alabama Joint Legislative Prison Committee  
Re: Prison Oversight  
December 13, 2023

Dear Chair Chambliss and Honorable Members and staff of the Alabama Joint Legislative Prison Committee:

FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. Among the policies we advocate is the establishment of independent prison oversight bodies in each state. Our membership in Alabama is primarily comprised of families with incarcerated loved ones. Their top concern is that loved one’s safety, health, and rehabilitation. Unfortunately, the Alabama prison system is at the peak of crisis. We ask this Committee to visit a state prison as soon as possible, and begin work on infrastructure for independent state oversight of the prison system.

Alabama’s prison conditions are so horrendous that the United States Department of Justice (DOJ) has sued the Alabama Department of Corrections (ADOC), saying that the conditions of confinement violate the Eight Amendment of the United States Constitution because they are cruel and unusual.1 News about the deplorable state of Alabama prisons is spreading across the country and will continue to do so.

Our members regularly contact us with consistent reports of state prisons that are dangerous, controlled by gangs, and inundated with horrific violence and drugs. We hear of unsanitary and dirty facilities that lack sufficient medical and mental health care, staff, and rehabilitative programming. Alabama families almost uniformly report to us difficulties in getting information about and help for their incarcerated loved ones from the staff and administration at ADOC. Families and taxpayers need and deserve transparency and accountability.

Americans of all political persuasions intuitively understand the value of increased transparency and accountability in prisons: in a recent national poll, 82 percent of Americans agreed that every prison system should have independent oversight.2 Independent oversight is long overdue for ADOC, an agency with a $730 million annual budget, 21,000 incarcerated people in its care, and nearly 3,000 state employees on its payroll.3

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Prisons are some of the darkest places, and sunlight is the best disinfectant. An accountable, transparent prison system should keep us safe and have our trust. To achieve that, every prison system should be subject to oversight by an independent body that has “golden key access” to monitor and inspect facilities (announced or unannounced), address prisoner grievances and investigate complaints, provide recommendations for improvements, and make its reports and findings available to the public and to you – Alabama’s lawmakers.

Alabama cannot afford not to have vigorous independent prison oversight. Already, ADOC is embroiled in expensive, years-long litigation over despicable conditions of confinement and violence from not just DOJ but also many families whose loved ones have been assaulted, murdered, or died inexplicably in ADOC custody. These families are devastated and permanently and irreparably impacted. Defending these suits alone is costing Alabama taxpayers millions. Adequate oversight cannot only bring Alabama’s prisons out of its current deplorable state but ensure that the prisons never get to that point again. Without oversight, the problems will only keep growing.

In addition to preventing expensive lawsuits and settlements paid for by taxpayers, independent prison oversight would also help this Committee assess DOC’s budget and other needs more accurately. An independent prison ombudsperson could provide intelligence for this Committee and the legislature, presenting unbiased, reliable, and up-to-the-minute reports on the state of facilities and repairs, staffing needs, programming and food shortages, security risks, and dangerous conditions for staff and incarcerated people alike. This information could inform and guide lawmaker choices about how to improve ADOC and ensure that it operates on a sound and sensible budget. Lawmakers need this steady feedback and insight into a large, expensive agency that can often be opaque and unresponsive.

Independent oversight benefits everyone it touches. Corrections staff deserve a safe, healthy work environment and need a place to go with complaints that, for whatever reason, are squashed, unanswered, or ignored by the administration. Incarcerated people have a constitutional right to a safe, healthy, humane prison environment and need a place to go when the prison grievance process breaks down or they have no safe place to turn to for help. Families of incarcerated people need someone to call when they cannot get help for their loved one despite following all of the ADOC’s rules. Oversight encourages increased professionalism at every level of an agency. It has been very successful in other states like Indiana.4

It is, frankly, astonishing that ADOC, with its $600 million-dollar annual budget and tens of thousands of Alabamians in its care, does not already have independent oversight. The conditions in Alabama’s prisons are actively harming public safety in not just prisons but communities throughout Alabama. We urge you to lead on this essential endeavor in 2024.

We are aware that some believe that building a new billion-dollar prison in Elmore County will solve the problems the state faces. FAMM has the benefit of three decades of experience in federal and state systems working on prison issues. We can assure this Committee that it will not solve the entrenched issues of violence, understaffing, overcrowding, etc. Many states have

4 The Indiana Department of Corrections Ombudsman Bureau was created by the legislature in the fall of 2003. https://www.in.gov/idoc/divisions/ombudsman/
believed the same thing. This approach has failed over and over again, and Alabama will be no different. We also urge the Committee to consider the design plans themselves for the new prison, which may be outdated and not in line with best practices despite the billion-dollar price tag. It is widely recognized that environment influences behavior, and that to fulfill their “corrective” mission, prisons must help people return to the community with the skills they need – not merely warehouse the largest number of people possible.

Mr. Chairperson, we thank you for the personal attention you and each member of the Committee has given to the deplorable situation in ADOC prisons. We urge you to lead on implementing oversight infrastructure in 2024. Please consider beginning by visiting an Alabama prison and continuing the practice regularly.\(^5\) FAMM believes that “you can’t know if you don’t go” – that is, you should not create prison policy if you are not familiar with the people and conditions in our prisons. Equally important, we believe that policymakers who do take the time to visit will see that there are significant problems and gain insight on how to proceed. Observe the conditions for yourself, and talk to correctional staff and incarcerated people. Better conditions benefit everyone living and working in these facilities, as well as their families. Whatever punishment the justice system imposed and whatever the staff is paid, it does not authorize the suffering these people are enduring.

Please reach out to mgoellner@famm.org to discuss this matter further. Thank you for the opportunity to submit testimony, and for considering our views.

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