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Q. & A.

## THE STUNNING NEGLECT AND RACIST POLITICS BEHIND ALABAMA'S PRISON STRIKE

*In 2020, the Department of Justice sued the state for running prisons that were "riddled" with violence.  
Since then, things have got worse.*

By Isaac Chotiner

October 6, 2022





On September 26th, prisoners in Alabama began a work stoppage to protest their living conditions and several of the state's tough sentencing and parole laws. (It's one of only seven states that do not pay prisoners for their labor.) In response to the strike, Kay Ivey, the state's Republican governor, called the prisoners' demands "unreasonable." Prisoners have reported retaliation by guards. The A.C.L.U. and other groups have documented overcrowding, abuse by guards, and sexual assault in Alabama's prisons; these issues have long been a concern for human-rights advocates. During the Trump Administration, the Department of Justice sued the state and its Department of Corrections. In the last five years, parole rates have declined precipitously, exacerbating issues such as overcrowding. Meanwhile, deaths in prison have increased by more than fifty per cent, and suicide and drug use are rampant.

Beth Shelburne is a journalist in Alabama who has been covering the state of Alabama's prisons. As part of the A.C.L.U.'s Smart Justice Campaign, she is also the author of many of the organization's reports on Alabama's prisons. (Her Substack column is called "Moth to Flame.") We recently spoke by phone. During our conversation, which has been edited for length and clarity, we discussed the historical roots of the current problems in Alabama's prisons, why conditions have deteriorated in the past several years, and divisions among the prisoners about how far to take their current protest.

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**There have been concerns about Alabama's prisons for a long time. What was the impetus for this protest to happen now? What pushed things over the edge?**

It's been percolating for many, many years. It's important to frame what's happening right now in the prisons correctly. Most of the coverage has portrayed the event in terms of incarcerated people uniting against the prison system, but I think the situation is much more complicated and nuanced and volatile. I haven't been calling it a "strike." Because of these dynamics, I think "work stoppage" is more accurate. I do think that the incarcerated population is in unanimous agreement that the conditions inside the prisons are so dire, so desperate, so violent, chaotic, corrupt, and dangerous, that something absolutely has to change. And any remedy that might have resulted from the Department of Justice just hasn't happened. The disappointment in things not changing as a result of the Department of Justice coming in has led to this work stoppage.

There are different factions inside the prisons involved in this action, and the tactics being used to achieve the stoppage vary by facility. I've talked to people who were involved in the organizing and they're in complete support of doing this, however long it takes, through any means necessary, even if it ends in bloodshed. I've talked to people who support the demands that have been put out but don't support tactics involving threats and intimidation. And then I've talked to people who absolutely don't support this at all, but they're going along with it out of fear. There are all kinds of dynamics at play. It's not exactly a kumbaya moment inside the prisons. There's a lot of anxiety and uncertainty—and a sense of dread—regarding how this will end, and I fear it will not end well.

**To take a step back, how would you fundamentally describe the state of Alabama's prisons, and how would you say they differ from the prisons in other parts of the country, if you think that they do?**

Yeah, I do. The problems in Alabama are different, just because of scope and scale. The problems of overcrowding, understaffing, violence, and corruption are fundamental to our carceral system, and exist in every jail and prison across the United States, but in Alabama they're all on steroids. In the past ten years or so, which is about the time that I've been consistently covering these issues, you have had a hemorrhaging of staff, coupled with an insistence on keeping people in prison as opposed to creating pathways out of prison, and an explosion in the contraband trade that, of course, is facilitated when there's a lack of staff, or corrupt staff, in place.

Again, these issues exist everywhere, but they are so widespread and so normalized inside Alabama's prison system that they exist around the clock. Any sentence can turn into a death sentence, and the level of violence, exploitation, sexual abuse, and extortion is just off the charts. It sounds like hyperbole when you start talking to people in the system because you just think there's no way that all of it can be true. It sounds like "Lord of the Flies." But I've been tracking the data, particularly the death data—it backs up all of these stories about the lawlessness that is pervasive throughout the system.

**What data have you collected that particularly stand out to you?**

Since 2018, I've been looking at the number of deaths inside the prisons, particularly deaths due to prison violence, like homicides between incarcerated people, homicides due to excessive force, drug-related deaths (which include overdoses and things such as disease or sepsis due to long-term I.V.-drug use), and also suicides. Over that period, we've seen this astonishing increase in deaths due to these causes.

What has really blown me away is the number of drug-related deaths. That skyrocketed during COVID. These are overdose deaths due to lethal levels of fentanyl, methamphetamines, and synthetic drugs that make their way through the prison. These are widely available, and very easy to obtain. They're used out in the open, and trafficked by staff and incarcerated people. The people who end up in prison as a result of substance use are really the ones who are suffering, because they are immediately exploited and can very easily end up in debt. Their families are extorted, and they are regularly the victims of assault and murder.

In 2021, I tracked about forty deaths due to these causes. About twenty of them were drug-related. This year, I am at sixty such deaths, and we've just started October, so we've got three months to go. Forty of the deaths were connected to drugs—the number of drug-related deaths from last year to this year has doubled. These problems persist because there is an unwillingness to admit that the main source of this contraband trade is staff, and you can't fix what you can't admit.

The Department of Corrections will publicly announce arrests of officers who are caught with drugs, but I hear time and again from staff and from incarcerated people that those arrests really amount to low-hanging fruit. They have not chopped off the head of the snake, and this corruption is pervasive throughout the agency. It goes all the way up the food chain. Until they do that, these problems will continue.

**We'll link to the A.C.L.U. report that you did on these deaths, but can you explain why you think it's gotten so much worse since 2018? We know that prisons were particularly hard hit by COVID. What has caused things to deteriorate so much in the last four years or so?**

It's interesting because it times out exactly as the Department of Justice has gotten actively involved in investigating Alabama's prisons, releasing findings about the unconstitutional conditions, and then ultimately suing the state. You would think

that the opposite would happen. You would think that things would improve. That hasn't been the case.

I think there are a number of factors happening at once. Some of them we've already been talking about: the corruption and understaffing, which have only gotten worse. There's been a real hemorrhaging of staff inside the agency. It's more nuanced than just staff levels; the administration of the Department of Corrections made some decisions on how to address the understaffing that have not worked out well. Basic correctional officers are limited in their power; some very young, inexperienced, and unqualified people are filling a lot of these empty positions. As you can imagine, that creates a lot of discomfort among the staff. There has been an exodus, not just of officers but of a lot of the more seasoned lieutenants and captains and sergeants, people that are management-level correctional officers, because they've grown so frustrated with this dynamic of having to train very young, inexperienced people who have no idea what they're walking into.

**Do you think that the pandemic played a role?**

During COVID, the prison population experienced a lot of worry and despair. Just like other states, Alabama was not robust in creating relief through accelerating medical furloughs or paroles. They did the opposite. Some states accelerated paroles, especially in elderly populations or for people who had served decades in prison. Alabama doubled down on denying parole. These few escape hatches that existed were really narrowed during COVID.

Alabama's D.O.C. was the last in the country to reopen the prison to things like visitation. That became very frustrating to people on the inside, to be cut off from their families. For a long time, there was also a stoppage in place for services such as educational programs and religious services. That really added to the despair and low morale.

With the prison on this semi-lockdown due to COVID, the number of drug-related deaths started going up. People that followed this in Alabama kept asking, “Well, how are the drugs getting in?” It’s only essential personnel—there are no teachers, no lawyers, no visitors, no clergy. But the number of drug-related deaths and emergency-room visits due to drug toxicity was increasing. It seems that the despair from the COVID lockdown was also driving drug use inside prisons. Incarcerated people have a structured environment, where their job or their school is what fills up their day. When that suddenly stopped, and they’re sitting on their bed all day in a locked-down dorm, then, if drugs are available, it’s going to be very hard to say no, particularly if you already deal with substance-use issues.

**You’ve written extensively on the parole issue. Why is that so important, and what’s been going on with parole in Alabama?**

One of the demands that the organizers on the inside have made is that they want a fair and transparent parole process with mandatory criteria that would be applied evenly and fairly to everyone who’s eligible. Alabama’s parole board has three members, all of whom are political appointees. The governor chooses them, and, right now, all three have backgrounds in law enforcement: a former prosecutor, a former probation officer, and a former state trooper. There’s no representation for criminal defense or any kind of restorative-justice position. And under state law Alabama’s parole board has total discretion in how they make their decisions.

Alabama does have parole guidelines, which are in our state code, and they include some evidence-based criteria, which, in theory, the board is supposed to use in rendering its decision. But this board is flat out ignoring its own guidelines, which it can do. It has total discretion. According to the guidelines, parole is recommended in seventy to eighty per cent of the cases that they consider, but, if you look at the data, this board is only granting parole to a few hundred people a year, which amounts to ten per cent of the eligible people.

**Do you have any idea why that is? Has something changed recently in terms of who is on the parole board, or is there a political issue here?**

Both, I think. The political issue is that the former board chair, who supported these evidence-based criteria, was replaced with the former assistant attorney general. I should clarify that the former board chair publicly said that she was leaving of her own volition.

Part of it is reactionary to a situation where a man named Jimmy O'Neal Spencer was paroled, and several months later was arrested for the murder of three people. Immediately, the Governor and the attorney general blamed this on the parole board and put a moratorium on paroles for a while, and issued all kinds of statements about how the board was in crisis and never should have let this person out. That's when these changes happened.

Nobody opposed Spencer's parole at the time. He had served, I think, twenty-nine years in prison for burglaries, and he had a second-degree assault charge. He was paroled to a program but then left the program, and that's where the breakdown occurred. It was in supervision. He left the program, and it's really unclear why his parole wasn't revoked and he wasn't arrested then. While the case was horrific, what the attorney general and Governor were really going after was this steadily rising parole rate that had been happening under the previous board. The parole rate had crept up to about fifty-four per cent, which was extraordinarily high for Alabama. Historically, our parole rate has been around thirty per cent.

**Can you describe the different factions among people within the prisons about how to respond to these conditions?**

It's important to say that every single incarcerated person I speak to in the prisons is unanimous in the opinion that this agency is in total chaos and crisis. The prisons are in a humanitarian crisis, and they're asking the Department of Justice

to intervene. But, when you've got a work stoppage or strike, there are just differing opinions and all sorts of feelings and mind sets that are expressed.

**What would a solution from the Department of Justice look like? Do we have a model from other states where such an intervention actually improved conditions?**

The D.O.J. has been pretty clear in the findings that it has released. The first were in April, 2019, and the D.O.J. concluded that Alabama's prisons amount to cruel and unusual punishment, and that they are violating the Constitution. The D.O.J. gave a long list of potential remedies, both immediate and long-term, and laid out a framework for Alabama to follow, and made it explicitly clear that the answer to these problems is not in constructing new buildings. The prison crisis is not an infrastructure crisis—it's not a crisis of buildings. It's a crisis of people, involving people. And the D.O.J. said that "new facilities alone will not resolve the contributing factors to the unconstitutional conditions such as under-staffing, culture management deficiencies, corruption policies, training, non-existent investigations, violence, illicit drugs, and sexual abuse."

The D.O.J. gave a window of time for Alabama to respond, and if the state did not respond there was the threat of a lawsuit. So Alabama responded, and they entered into talks to reach a consensus, and, when the D.O.J. decided to sue, in December of 2020, one of the reasons that it cited in its lawsuit was that they couldn't reach a consensus. The talks fell apart, and, essentially, Alabama is arguing that things just aren't as bad as the D.O.J. says.

To your question about whether there is a template or example that the state could follow in implementing recommendations from the D.O.J.: the example can be found right here in Alabama. It's our women's prison, Julia Tutwiler Prison for Women. In 2012, there was a federal complaint filed on behalf of fifty women, alleging all sorts of harm, including rapes and sexual harassment by prison staff. The D.O.J. came in, and immediately the state decided to work with them and

implement reforms. Tutwiler is still operating under federal monitors because of that complaint, and, by and large, it has improved exponentially.

When I first started covering the Department of Corrections, all the calls I got were from Tutwiler. All the letters I got were from women at Tutwiler. I really don't hear from them anymore. And it's not that Tutwiler is perfect or that everything's great. It's still a very old prison, and there's a lot of overcrowding. People incarcerated there are unhappy with some of the things that are going on. But is it unconstitutionally abusive? I don't think so. Those problems were remedied. When the state wants to work with the federal government, it can.

**We haven't talked about any racial dynamics yet. Alabama is obviously a state with a large Black population—about twenty-five per cent of its total. What percentage of the people in Alabama's prisons are Black?**

They compose half of the prison population. So there's an extraordinary overrepresentation of Black people in our prison system.

**What role does race play in the lack of political will to address conditions in prison?**

We have a governor who's admitted to wearing blackface. That should tell you what the climate is down here. Now, she apologized for it. I don't know how extensive the talks were between her and the Black legislative caucus, but that is what it is. We're in the Deep South, and we have an elected governor who has admitted to wearing blackface. That's just what bubbled up in my head.

You're naming something that is very true, not just in Alabama but in other states around the country, and in our federal system. But it's really, particularly gross in the Deep South. The people who have been most impacted by the lack of social services, poor education, and widespread poverty tend to be those whom politicians don't care about. It's Black people. It is also just poor people in general, people with mental illness, anyone who's marginalized. We have this large

population of people dealing with opioid addiction who haven't been getting the attention and services they need.

I'll give you an example of how politics have prevented reform. This is a death-penalty issue, so it's a little different from what we're talking about, but it's still connected. Alabama had this peculiar practice of allowing judges to override a jury recommendation in capital-murder cases. There was a handful of states left that did it, and then it whittled down to just Alabama. We were the lone state that still allowed judicial override. One of the things that people found in studying this is that the number of death sentences would increase during election years. That is just an ugly look for our criminal-justice system—if we're sentencing people to death for political gain.

For eleven years in a row, Senator Hank Sanders, a Black man from Selma, Alabama, introduced legislation to abolish the practice of judicial override in our court system. And, eleven years in a row, it went nowhere. In the twelfth year, a white Republican named Dick Brubaker told Sanders that he would carry the legislation, because he believed we needed to abolish judicial override and it was a terrible practice. He knew that he or somebody else who looked like him and was in his party would have to carry it. And so he did, and guess what happened? It passed.

**Beth, thanks for chatting.**

Can I just add one thing, Isaac? The bottom line is that the Alabama Department of Corrections doesn't have control over its prisons on a normal day. And so, now that this work stoppage or takeover is in place, the D.O.C. can't do a damn thing about it. They also don't want to admit it, which is why they're using tactics like depriving people of food, making things as uncomfortable as possible, to try to break people down. But the people in their custody are already broken down. They're already deprived—they're already uncomfortable, scared, desperate, feeling like the world doesn't care—and so I don't see how compounding those realities or

just being indifferent to what they're asking for will improve the situation or lead to a good outcome. ♦

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*Isaac Chotiner is a staff writer at *The New Yorker*, where he is the principal contributor to *Q. & A.*, a series of interviews with public figures in politics, media, books, business, technology, and more.*

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