



April 2, 2019

The Honorable Kay Ivey
Governor of Alabama
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

Re: Notice Regarding Investigation of Alabama's State Prisons for Men

Dear Governor Ivey:

We write to report the results of the investigation into the conditions of confinement in Alabama's State Prisons for Men (Alabama's prisons) by the Civil Rights Division and the Alabama United States Attorneys' Offices, conducted under the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997. Consistent with the statutory requirements of CRIPA, we provide this Notice of the alleged conditions that we have reasonable cause to believe violate the Constitution. We also notify you of the supporting facts giving rise to, and the minimum remedial measures that we believe may remedy, those alleged conditions.

After carefully reviewing the evidence, we conclude that there is reasonable cause to believe that conditions at Alabama's prisons violate the Eighth Amendment to the Constitution and that these violations are pursuant to a pattern or practice of resistance to the full enjoyment of rights protected by the Eighth Amendment. In particular, we have reasonable cause to believe that Alabama routinely violates the constitutional rights of prisoners housed in the Alabama's prisons by failing to protect them from prisoner-on-prisoner violence and prisoner-on-prisoner sexual abuse, and by failing to provide safe conditions. The violations are exacerbated by serious deficiencies in staffing and supervision and overcrowding.¹

We are obligated to advise you that 49 days after issuance of this Notice, the Attorney General may initiate a lawsuit under CRIPA to correct the alleged conditions we have identified if Alabama officials have not satisfactorily addressed them. 42 U.S.C. § 1997b(a)(1). The Attorney General may also move to intervene in related private suits 15 days after issuance of this letter. 42 U.S.C. § 1997c(b)(1)(A).

¹ The Department's investigation of Alabama's prisons was opened to investigate three issues: (1) whether Alabama's prisons are protecting prisoners from physical and sexual violence at the hand of other prisoners; (2) whether Alabama's prisons are providing safe and sanitary living conditions; and (3) whether Alabama's prisons are protecting prisoners from excessive force and sexual abuse from staff. This Notice Letter applies to the first two issues. The Department's investigation into third issue is ongoing because the Department's petition to enforce its subpoena for documents relevant to that issue is pending with the court.

We hope, however, to resolve this matter through a more cooperative approach and look forward to working with you to address the alleged violations of law we have identified. The lawyers assigned to this investigation will be contacting the Alabama Department of Corrections to discuss this matter in further detail. Please also note that this Notice is a public document. It will be posted on the Civil Rights Division's website.

If you have any questions, please call United States Attorney Jay E. Town at (205) 244-2001 or Steven H. Rosenbaum, Chief of the Civil Rights Division's Special Litigation Section, at (202) 616-3244.

Sincerely,

Eric S. Dreiband
Assistant Attorney General
Civil Rights Division

Louis V. Franklin, Sr.
United States Attorney
Middle District of Alabama

Jay E. Town
United States Attorney
Northern District of Alabama

Richard W. Moore
United States Attorney
Southern District of Alabama

cc: Steven T. Marshall
Attorney General
State of Alabama

Jefferson Dunn
Commissioner
Alabama Department of Corrections

Deborah Toney
Warden
Bibb Correctional Facility
565 Bibb Lane
Brent, AL 35034

Patrice Richie
Warden
Bullock Correctional Facility
P.O. Box 5107
Union Springs, AL 36089

Christopher Gordy
Warden
Donaldson Correctional Facility
100 Warrior Lane
Bessemer, AL 35203

Walter Myers
Warden
Easterling Correctional Facility
200 Wallace Drive
Cilo, AL 36017

Joseph Headley
Warden
Elmore Correctional Facility
3520 Marion Spillway Road
Elmore, AL 36025

Mary Cooks
Warden
Fountain Correctional Facility
Fountain 3800
Atmore, AL 36503

Guy Noe
Warden
Hamilton Aged & Infirm Correctional Facility
223 Sasser Drive
Hamilton, AL 35570

Cynthia Stewart
Warden
Holman Correctional Facility
Holman 3700
Atmore, AL 36503

Leon Bolling
Warden
Kilby Correctional Facility
P.O. Box 150
Mt. Meigs, AL 36057

DeWayne Estes
Warden
Limestone Correctional Facility
28779 Nick Davis Road
Harvest, AL 35749

Karla Jones
Warden
St. Clair Correctional Facility
1000 St. Clair Road
Springville, AL 35146

John Crow
Warden
Staton Correctional Facility
P.O. Box 56
Elmore, AL 36025

Michael Strickland
Acting Warden
Ventress Correctional Facility
379 Alabama Highway 239 North
Clayton, AL 36016

Attachment: Section 1997b Notice