



The University of Alabama, Tuscaloosa

Policy Memorandum: A Response to Senator Elliott's Suspension of Early Release in Alabama

June 10th, 2024

To: Senator Christopher Elliott
Alabama State Senate
Room 732
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To Senator Elliott:

In 2015, the Alabama legislature passed a bill that granted early release to prisoners based on time served (Chapoco, 2023). This bill did not become retroactive until 2021, when Republican Representative Jim Hill spearheaded a campaign to extend this bill's application to years prior to 2015 (Chapoco, 2023). This bill, championed in the aftermath of The United States Department of Justice's 2019 report of unconstitutional conditions and treatment in Alabama men's prisons, alleviated facility overcrowding and subsequent violence in prisons (Burkhalter & Crowder, 2023; Davis, 2023). Senator, I am aware that you have been in staunch opposition to this bill since its inception, and I understand your hesitations. Those who are eligible for early release must go through a thorough screening process before being granted their freedom, to ensure that they no longer pose a threat to innocent civilians. However, I fear your current proposition to pause this program until 2030 will have dire consequences, both within prison facilities and in our greater communities.

In this memorandum, I lay out three concrete reasons why the suspension of the early release prison program would be detrimental to Alabamians: doing so would be a threat to public safety, the state economy, and the relationship between the state and its people. If after my explanation of these components below you still find yourself unconvinced of my recommendation, feel free to contact me for further conversation on this matter.

Extant Literature and Its Implications

Public Safety

Let us begin by revisiting the Justice Department’s investigation into the unlawful and violent conditions plaguing men’s facilities throughout the state of Alabama. The report found that these prisons contained numerous incidents of prisoner-prisoner and guard-prisoner misconduct, as well as excessive use of force (Office of Public Affairs, 2020). These findings are consistent with prisoner death reports from the Alabama Department of Corrections (ADOC); in 2023 alone, 325 incarcerated individuals died behind bars totaling up to 1,045 deaths following the DOJ’s 2019 warning (Burkhalter, 2024). This mortality rate is five times the national average (Burkhalter, 2024). Many of these prisoner deaths are related to drug use and violence due to drug debts, a problem that cannot be linked to outside visitations but instead to dwindling security personnel within these facilities (Crowder & Burkhalter, 2023). Without proper checks in place (i.e. declining numbers of security staff, prisons at 168% capacity, etc.), Alabama’s incarcerated population will continue to die at this staggering rate (Davis, 2023). A potential way forward would be to increase opportunities for eligible prisoners to be released from prison early. This, however, cannot happen without proper reentry steps and programs in place.

Common rebuttals to the early release of prisoners—some of which you may share, Senator—include recidivism, threats to public safety, and community fear of growing crime in their neighborhoods (Plotka, 2023b). While it is critical that those eligible for early release be thoroughly evaluated for reentry and that victims and their families be properly updated on the defendant’s release, grassroots organizations and their leaders claim that suspending early release programs will perpetuate worsening prison conditions in the state (Plotka, 2023b). Further, to address concerns over release notifications to victims and their families, the advocacy group Alabama Appleseed recommends that the extant notification system be overhauled (Plotka, 2023a). Due to the current structure of this notification system—voluntary registration that falls on the victims and their families—as well as the sparse funding put toward maintenance of this list—individuals were failing to be notified of their perpetrator’s release and thus release procedures were being stymied (Plotka, 2023a). This systematic error, however, should not be the reason why eligible people aren’t being granted early release. In response to concerns over recidivism and potential threats to public safety, Alabama Bureau of Pardons and Paroles Director Cam Ward stated in April 2023 that of the 513 individuals released, only 24 reoffended (Cason, 2023). Of those incidents, most were drug and property-related, but none were violent in nature (Cason, 2023). Therefore, implementing rehabilitative reentry programs and establishing more halfway houses across the state may aid in decreasing future instances of crime, but current early release programs do not pose a significant risk to civilians (Cason, 2023; Plotka, 2023b).

State Economy

In addition to reducing public health and safety concerns, early release programs for eligible incarcerated individuals save money. Extant literature tells us that lengthier prison sentences are not only ineffective at controlling future deviance and are harmful to vulnerable populations (more on this point next), but are extremely costly (Berryessa, 2021). As of 2021, the average annual cost of incarcerating one individual fell above \$33,000 (Berryessa, 2021). Why, then, would we not opt for an alternative to incarceration for individuals eligible for early release to save both state fees and taxpayer contributions (nearly \$250 billion per year)?

Based on a study out of Finland, early release programs with the use of cost-effective electronic monitoring (EM) systems, promote greater chances of reintegration into society and fewer instances of recidivism among those formerly incarcerated (Villman, 2024). While the societal stratification of Finland differs greatly from the United States, early release programs have been proven to be both successful and economically savvy domestically, as well. In an examination of the use of parole in Wyoming to assist in money-saving early release efforts, researchers discovered that it only cost \$5.44 per day to supervise individuals on this early program compared to the \$132.15 required of the state to care for a male inmate at a medium-security institution (Fetsco, 2011). Further, the sooner an individual can reenter society, the sooner they can contribute to the state's economy again. Oftentimes, parole and other early release programs require that those reentering society from prison hold a job; the Wyoming parole system specifically requires parolees to receive job training among other educational and vocational resources (Fetsco, 2011). Lastly, most reintegrated individuals pay more restitution to their victims than those still behind bars. Of the \$100 a prisoner may earn per month while incarcerated, only a small fraction is put toward restitution (Fetsco, 2011). As a condition of parole, those in Wyoming who have been sentenced to pay restitution will pay hundreds per month to their victims in the free world (Fetsco, 2011).

Community Trust

Lastly, it is critical to establish a trusting and community-centered relationship between the government and the public. To begin, the presence and implementation of early release programs may incentivize those serving longer sentences to seek rehabilitation and take other positive steps towards a future in the free world (Berryessa, 2021). Lengthy prison sentences often fail to recognize the ability of a prisoner to change and rehabilitate (Berryessa, 2021). This is a particularly important factor to consider for perpetrators of nonviolent crimes and for those whose crime fell under the “three strikes” law (Berryessa, 2021). In other words, a person who committed second-degree robbery in the 1990s should not be given a punishment remotely similar to an individual who took someone's life in cold blood. Recognizing those nuances will aid in repairing tenuous relationships between incarcerated populations and their families.

Next, I would be remiss to not mention the components of race and age when addressing an individual's likelihood to reoffend upon being granted early release, especially when understanding the prison population in context. Historically, Black individuals have received disproportionately harsher sentences than their White counterparts, and the African American community has suffered the most significant effects of mass incarceration in the United States (Berryessa, 2021, O'Leary, 2007). It is unsurprising, then, that Black Americans reported more

support for “second chance” and early release programs than White voters (Berryessa, 2021). Considering the great many losses experienced by this community, government officials should listen to the critiques and recommendations from Black voters, to build bridges between these communities and government agents and to mitigate future harm as a result of mass incarceration.

Finally, it is important to note that the likelihood to reoffend sharply decreases for those serving the latter years of a lengthier sentence (Berryessa, 2021). For perpetrators of nonviolent and violent crimes alike, arrests peak between 16 and 25 years of age (Berryessa, 2021). Despite that being the case, incarcerated individuals over the age of 55 have increased by 280% within the last two decades, largely due to the influx of life sentences (Berryessa, 2021). Although compassionate and geriatric releases are not uncommon for the elderly and infirm (O’Leary, 2007), it may be wise to account for those who do not necessarily fall into either category but have served a substantial amount of time and show no indication of reoffending behaviors.

My Summarized Findings and Methodology

Based on the extant literature, it is evident that the benefits of early release programs far outweigh the risks. In combination with the public safety and health concerns voiced by the Justice Department, the economic successes exemplified by early release programs in Wyoming, and the growing distrust and animosity that exists between marginalized communities and government officials, early release programs for eligible, rehabilitated prisoners have proven to be successful on all fronts. While it is certainly important to remain cautious when evaluating an incarcerated person’s reentry into society, current data has shown us that early release programs work, benefitting our criminal justice system, state economy, and trust within our communities.

My Recommendation

Senator Elliott, I humbly recommend that your office reconsider the suspension of Alabama’s early prison release program until 2030. Although I agree that incarcerated individuals who continue to pose a threat to public safety and security should not be granted early release, I do not agree that those who no longer do should be held in a dangerous, overly-crowded, costly facility away from their family, friends, and community.

It is my belief that those who have served a substantial portion of their sentence, who are no longer a threat to the public, and who are eligible for parole and other early release programs should be granted a second opportunity to enter the free world. Their monitored release will decrease severe overcrowding in state facilities, positively contribute to Alabama’s economy, and work to build trust between community members and government agents.

Thank you for your time and consideration.

Sincerely,

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