**OPERATION FRESH START: Zeigler Cafeteria Plan of Options to Mitigate Problems in Alabama’s Prison System.** Revised version, May 20, 2021. Updated drafts to be released prior to a possible special session on prisons.

**OPERATION FRESH START** *is a cafeteria plan of options to reform Alabama’s prisons – and at substantially less cost to state taxpayers than the Department of Corrections prison lease plan. It is a compilation of alternative ways to mitigate Alabama’s prison overcrowding and make the prisons safer for inmates and staff. It will address the problems outlined in the December 2020 lawsuit filed by the Trump Justice Department against the Alabama DOC. It could lessen the threat of a federal takeover of our prison system and a federal release of inmates.*

*I am seeking input from all stakeholders of the prison system and from taxpayers, legislators, and anyone else who could add or improve options for prison reform. I have already made improvements in Operation Fresh Start based on input and expect more input and improvements.*

*A special session of the Alabama legislature may be called on the issue of prison problems. Before a special session starts, Operation Fresh Start can be substantially improved by input from all concerned. This is a much better methodology than presenting the legislature with a package deal and seeking its approval. Better to seek its input early in the actual development of the options. I will release a revised and improved Operation Fresh Start before a special session.*

*Supporters of the DOC’s $3.6 billion lease plan are attempting to paint a picture that building three mega-prisons is the only alternative to unsafe prisons and a potential federal takeover. The DOC plan is NOT the only alternative. Now, there is Operation Fresh Start, a compilation of alternatives, each independent of the others.*

 *\_\_Jim Zeigler, State Auditor*

To submit your ideas to improve Operation Fresh Start, please e-mail: Jim.Zeigler@auditor.alabama.gov

1. **Independent management audit of DOC,** **including audit of cost of inmate healthcare**
2. **Wider use of correctional alternatives**
3. **Department of Mental Health**
4. **Medicaid**
5. **Reducing overtime**
6. **Existing prisons already renovated, now being Renovated, and that could be renovated**
7. **Continue with and step up the criminal justice reforms that decrease the prison population**
8. **Review and enhance the teaching of marketable skills to inmates**
9. **Improve segregation of violent and hardened criminals**
10. **Build only one new mega-prison at a time**
11. **Independent Management Audit of DOC, including Audit of Costs of Inmate Healthcare**

A management audit of the spending and operations of DOC as well as costs of inmate healthcare, reporting back to the legislature. Goal to improvehealthcare and reduce cost by 15%.

1. **Wider use of correctional alternatives**

(This section from al.com editorial board, 2014)

*Wider use of house arrest, weekend imprisonment, electronic monitoring and other community-based alternatives, which cost less than imprisonment and have been proven to keep intact the kinds of support systems that offenders will need when they emerge from punishment.*

*More spending in areas of both probation and parole, so that appropriate supervision follows those released from prison, and a better scoring system for identifying people in the system who might successfully take advantage of early release.*

*A new strategy for sanctioning violators -- so-called "swift and sure" punishments that may involve a weekend in jail but cut back on the lengthy, court-involved probation revocation process that lands people back in prison. A new approach to drug crime, because imprisoning so many addicts is not working.*

*Incentives for employers of released prisoners (it is at least ironic that the state hires out prisoners but does little to help them find work once released).*

*New classification of some felony offenses so that the three-strikes law that has contributed to much of the growth in the prison population is triggered less often for less-serious crime.*

1. **Department of Mental Health**

Many inmates are mental health patients. They could be treated more effectively and at tremendous costs savings through mental health programs rather than in prison. Appropriate mental health patient inmates will be conditionally paroled to mental health programs. This gets the cost of their incarceration and huge healthcare costs out of the prison budget. It also qualifies for federal matching funds of about three-to-one through the Department of Mental Health. Prison overcrowding would be reduced by this number of inmates. Also, prisons are safer for the inmates and staff with the mental health inmates gone. There has been some limited progress in doing this already. It needs to be dramatically stepped up.

It is estimated that Option 3 will save the state over $\_\_\_\_\_\_ million a year.

1. **Medicaid**

Many inmates are geriatric patients who require assistance with two activities of daily living. They would qualify for nursing home care and for Medicaid nursing home coverage. By paroling them to a nursing home, it would get the cost of their incarceration and the huge cost of their healthcare out of the DOC budget. It would also qualify their associated costs for nine-to-one matching federal funds from Medicaid. The prison overcrowding would be reduced by this number of inmates. Already, one nursing home operation has tentatively suggested an entire separate nursing home for geriatric inmates.

It is estimated that Option 4 will save the state over $\_\_\_\_\_\_\_\_\_\_\_ million a year.

1. **Reducing overtime**

There is a major problem with millions being spent by DOC on overtime pay, mostly for guards. With better management and strategic hiring of more guards, overtime could be reduced by millions. This would also cut back on staff fatigue and be safer for the guards and other staff.

1. **Existing prisons already renovated, now being renovated, and that could be renovated**

The DOC plan is to build three mega-prisons and abandon 14 of the existing prisons. This is an odd approach because some of the existing prisons have recently been refurbished and some are being refurbished now. An expedited inventory of the existing prisons can determine which of the facilities should continue to be used.

Also, there is a completed prison sitting idle in Perry County, Alabama. A quick assessment should be made as to the feasibility and cost of utilizing it. This can be done with little wait time.

1. **Continue with and step up criminal justice reforms that decrease the prison population**

Reforms in the criminal justice system that have already been made are making substantial progress at reducing prison overcrowding, even at this early date. In 2017, the prison population had already been reduced from 25,299 to 23,318. The number of new inmates coming into prison dropped 18% in 2018 and can drop further. With just the current reforms, the prison population is expected to drop to 20,761 by 2021. (Numbers to be updated.)

By continuing these criminal justice reforms and considering further common-sense reforms, the prison population can continue to drop.

Common-sense reform of the Habitual Offender and “Three Strikes and You’re Out” laws.

1. **Review and enhance the teaching of marketable skills to inmates**

Create more under camps and honor camps for those who have reached positive disciplinary levels. These camps will help with possible parole and transition out of prison system. Details to be added here. Your input needed.

1. **Improve segregation of violent and hardened criminals**

Details to be added here. Your input needed.

1. **Build only one new mega prison at a time**

It is not necessary to build three mega prisons all at once. That methodology would not allow for correcting mistakes and tweaking the plans after each. Under the DOC plan, the state of

Alabama was about to get into a 30-year mistake.

Have the legislature authorize a bond issue at today’s low rates for building one state-owned prison. Estimated $200 million. (This estimate will be refined.)

1. Build on land already owned by the state, saving tens of millions. This would also remove the problem of nearby neighborhoods that would have been adversely impacted by adjacent prisons under the DOC prison lease plan.
2. Test the alleged cost savings of one mega-prison to assist in planning for possible future prisons.
3. Use a fair and open process to select contractors allowing free competition.
4. Use lessons from the one new prison to improve the process for any subsequent new prisons.

CONCLUSION: With Operation Fresh Start, there can be expeditious and continuous improvement in prison overcrowding to approximately 135% of the federal guidelines, generally considered an acceptable level.

*Operation Fresh Start is a smorgasbord of options to reform Alabama’s prisons – and at substantially less cost to state taxpayers than the DOC plan to have private contractors build three mega prisons. Each Fresh Start option is a stand-alone option not dependent on the others. It would not be necessary to implement all the options in order to achieve the objectives of creating safer prisons, reducing overcrowding, and saving taxpayer dollars.*

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