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Prison's policies changing - Barrett new warden at Tutwiler Prison for Women

By Kala Kachmar

Alabama Prison Commissioner Kim Thomas is implementing policy changes aimed at improving the quality of life for prisoners at the Julia Tutwiler Prison for Women and other correctional facilities in the state.

The new policies come several months after the Montgomery-based nonprofit Equal Justice Initiative released a report that found Alabama Department of Corrections employees had illegal sexual contact with dozens of women at the Wetumpka facility. The group also said official responses to reports of abuse created an atmosphere of intimidation that discouraged future complaints.

Thomas also has replaced the warden at Tutwiler, which some say has brought about positive results at the facility.

Before the report was released in May, EJI attorneys spent several weeks interviewing 50 women at the facility and months after that collecting employment and court records relating to the findings. The report found widespread sexual abuse and violence at the prison.

The organization's investigation was launched in 2011 after the EJI was asked to represent a woman who was suing a male nurse at the facility for alleged sexual assault. After the investigation began, EJI received dozens of calls from other women incarcerated at the prison who said they also were assaulted.

EJI Director Bryan Stevenson said the U.S. Department of Justice is investigating the prison, but Thomas said he hasn't received any notification of the investigation.

In September, the National Institute of Corrections, per Thomas' request, sent a team to Tutwiler to conduct an audit of the facility. Thomas said he and his staff are examining the report "meticulously" and developing an action plan to address the issues and suggestions.

As of Nov. 1, Tutwiler has a new warden, Bobby Barrett, but Thomas said the warden change is unrelated to EJI's complaints. The former warden, Frank Albright, went to Kilby Correctional Facility in Montgomery.

"It's really part of an overall scheme of things here in the department," said Brian Corbett, spokesman for the Alabama Department of Corrections. "We've had a lot of retirements and promotions lately. From time to time, different skill sets are needed."

Policy changes

Many of Thomas' changes, however, directly address problems identified in the EJI report, including no longer putting inmates who make a complaint into segregation during the investigation, unless there are specific circumstances that require it. In addition, those who complain no longer will have privileges taken away.

"We want to make sure all female and male inmates are comfortable with making a complaint," Thomas said.

In addition, an inmate who files a complaint at any correctional facility will be informed about the outcome of the investigation in writing, which was another problem EJI identified in its report. At Tutwiler, Thomas said the policy will be retroactive, meaning anyone who has made a complaint since 2009 will be given written notice of the outcome.

Inmates who bring complaints typically get some sort of disciplinary action against them initially, and even if the complaint is valid, those disciplinary notes stay in the inmate's file. Thomas said his staff is going to look at each complaint on a case-by-case basis and make sure records of disciplinary notes are removed if they aren't valid.

In an effort to encourage inmates to report misconduct by staff or other inmates, Thomas said the PREA coordinators, who are responsible for making sure the state Department of Corrections is in compliance with the federal Prison Rape Elimination Act of 2003, will have an increased presence at the facilities. The coordinators, who are based downtown in the administrative building, also are responsible for investigating all complaints.

"I want inmates to see them walking through the prison compound so they're approachable," Thomas said.

Thomas said inmates often have complained the hotline that allows inmates to call PREA coordinators directly doesn't always work, or the phone isn't always answered. He said the coordinators and corrections officers at the facilities will be required to make sure the hotline is working and will have to document when those checks are occurring.

Thomas said the new policies will be incorporated into the administrative regulations or into the institutions' standard operation procedures.

"I think it's just a willingness to sit down and listen and entertain someone else's perspective," Thomas said. "We might want the same thing but might have different ways of getting there."

Another problem EJI identified in the report — and afterward in conversations with administration — was the minimal punishment received by staff members who were prosecuted for crimes against inmates.

Thomas said he is willing to write letters, meet with attorneys or do whatever he can to emphasize proper punishment. But he said ultimately, the blame doesn't fall on the Department of Corrections if someone gets a minimal sentence.

"That's the role of the court and the district attorney," he said.

EJI response

Stevenson said he and his staff have had multiple conversations with ADOC since the report came out. He said he's pleased with the progress that's being made.

"We're hopeful that more changes will be made," Stevenson said. "We have continued talking with the department, and we've had several conversations with the commissioner. I'm hopeful Tutwiler will cease to be an institution known for its sexual misconduct and violence."

Stevenson said long-term change will take commitment from the warden and staff. He said there has to be zero tolerance and a change in the culture at the facility.

"We're happy that (Albright) has gone," Stevenson said. "I think it has had a positive impact. There seems to be a different mood at the prison. It's been really encouraging to the women."

He said he's hopeful the Justice Department and Federal Bureau of Investigation will pursue further charges against corrections officers who have engaged in illegal activity.

"Ultimately, it's going to take months, if not longer, to create an environment where the women don't feel at risk and vulnerable and threatened," Stevenson said.

Stevenson said EJI is still working with women, monitoring the situation and advocating for more changes. He said since the report came out, the organization has received more complaints from current and former incarcerated women, as well as from former employees.

Stevenson said EJI is waiting for the report from the Justice Department. If the reforms happen, the organization won't have to litigate against ADOC.

Thomas said he hopes to have an action plan based on the report from the National Institute of Corrections in place by February.

"It's been a healthy experience for us," Thomas said. "If it says we're doing something wrong, let's fix it."