



Attorney General Steve Marshall Responds to Latest DOJ Report on Alabama's Prisons

(MONTGOMERY) – “Today, the U.S. Department of Justice released another findings report from its investigation of Alabama’s men’s prisons,” said Attorney General Steve Marshall. “Though the State has been diligently working towards a settlement agreement with the DOJ based on its previous findings, we were ambushed with today’s report, issued in the form of a public press release only moments after we received it.

“To be clear, the State of Alabama has never denied the challenges that the Alabama Department of Corrections is facing. As evidence of the seriousness with which we have taken the DOJ’s allegations, the State is undertaking efforts to construct three new men’s facilities that we believe – and the DOJ has conceded – will have a significant positive impact on many of the areas of concern that the DOJ has identified.

“At the same time, I have made it absolutely clear from the beginning that the State will not, under any circumstances, enter into a consent decree with the federal government to avoid a lawsuit. On November 7, 2018, then-Attorney General Jeff Sessions addressed the use of civil consent decrees in a DOJ memorandum, acknowledging the sovereignty of state governments and urging special caution before using this bludgeon to settle litigation against the states. I share General Sessions’ concerns with consent decrees and will not submit our state to judicial oversight of our prisons, with the DOJ as the hall monitor, that will last well beyond my tenure as Attorney General – and indeed, if history is any indication, could last well beyond my lifetime.

“Along with the release of its newest findings today, DOJ officials also communicated to my Office that the State has forty-nine days to agree upon the terms of a consent decree. Presumably, if we do not, the federal government will file suit. My response to that is simple: the State of Alabama has worked, and will continue to work, both to improve our prison facilities to meet the standards of the U.S. Constitution and to negotiate with the federal government in good faith. But Alabama will not be bullied into a perpetual consent decree to govern our prison system, nor will we be pressured to reach such an agreement with federal bureaucrats, conspicuously, fifty-three days before a presidential election.

“In short, a consent decree is unacceptable and nonnegotiable. The State of Alabama shall retain her sovereignty.”

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