

**IN THE UNITED STATES DISTRICT COURT
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JOHN HICKS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION
)	No. 2:09-cv-155-WKW
)	
GARY HETZEL,)	
Warden of W.E. Donaldson)	
Correctional Facility, et al.,)	
)	
Defendants.)	

**DECLARATION OF PRESIDENT OF
ALABAMA CORRECTIONAL ORGANIZATION**

I, Captain Lloyd Wallace, hereby declare as follows on behalf of the Alabama Correctional Organization:

1. I have been employed by the Alabama Department of Corrections for over 23 years. I am currently a Captain at Limestone Correctional Facility ("Limestone") in Harvest, Alabama.
2. I am the elected President of the Alabama Correctional Organization ("ACO"). This declaration is made in my role as President of the ACO on behalf of ACO members.
3. The ACO is an organization made up of persons employed or formerly employed by the Alabama Department of Corrections ("ADOC"). Some of the objectives of the ACO are:

- a. To provide a forum for the employees of the ADOC to discuss ADOC issues and solutions;
 - b. To strengthen the professionalism of our personnel by improving techniques, training, raising basic standards, and compiling and disseminating information and knowledge concerning our profession; and
 - c. To unite all correctional employees with an accepted standard of conduct and code of ethics for the performance of our duties.
4. The ACO has over 500 members, 25 of which are currently employed at Donaldson Correctional Facility ("Donaldson").
 5. As the President of the ACO, I have read the Complaint filed in the instant case.
 6. The ACO has several areas of concern relevant to the lawsuit.
 7. First, the ACO is concerned about the effects of vast prison overcrowding on those who work in Alabama's prisons. According to the Department's monthly statistical report for February 2009, the Department is currently at 191.4% capacity. In other words, the prisons hold nearly double the number of people they were built to hold. Donaldson has an occupancy rate

of 176.5%. Limestone has an occupancy rate of 166.7%. In addition, over 1,400 people who have been sentenced and are currently in county jails are awaiting transfer to the state prison system.

8. Second, many prisons in the system are understaffed. At Donaldson, about 30% of the correctional security personnel positions are not filled despite the department paying employees differential pay at Donaldson. At Limestone, nearly 20% of the correctional security personnel positions are not filled. System-wide, the Department is short about 30% of its correctional security positions.
9. The combination of overcrowding and understaffing leads to a dangerous environment for both officers and inmates. This is a problem at many prisons, including Donaldson and Limestone.
10. At Donaldson, for example, at the time this lawsuit was filed, it is my understanding three men were secured in cells measuring approximately 8 x 10 feet. At Donaldson and other prisons, additional bunks have been added to areas of the prisons not designed for dormitory space. Overcrowding strains the physical structure of the prison and exacerbates tensions among inmates and officers.

11. The lack of sufficient activities and programs for inmates throughout the correctional system further exacerbates tension among inmates.
12. Due to overcrowding and understaffing, our members at prisons around the state are often supervising huge numbers of inmates without appropriate back up. Our members are routinely expected to enter inmate living areas, alone, with as many as 250-400 inmates. For obvious reasons, officers are often reluctant to enter areas housing such a large number of inmates. If an officer refuses to do so out of concern for his safety, he or she stands to be disciplined despite what has been categorized by officers and administrators alike as a situation where officers are significantly outnumbered and in danger of risk to their person.
13. System-wide, the Department of Corrections is shutting security posts down every day because the Department does not have the staff to man those posts. This has been shared by Commissioner Allen directly to the media and members of the Alabama Legislature.
14. System-wide, supervisors, such as sergeants, are working prison posts normally worked by line correctional officers. As a consequence, the

supervisors cannot perform required supervision functions. This deteriorates the security posture of the institution.

15. Overcrowding and understaffing has reached a crisis point in the Alabama Department of Corrections. Without intervention and relief, a number of prisons in the system, including Donaldson, can appropriately be characterized as a ticking time bomb.
16. Our members at Donaldson and other prisons are being placed at risk on a daily basis. Additionally, our members, while at significant risk, are not comparably compensated relative to other law enforcement officers in the State of Alabama. Due to overcrowding and understaffing, many officers work long hours under a great deal of stress; under these circumstances, they are unable to fully carry out their security responsibilities, which poses a risk to other officers and to inmates.
17. Accordingly, the ACO supports efforts by the Plaintiffs in this case to permit an outside prison security expert to conduct an immediate, full, and thorough investigation into the living and working conditions at Donaldson.

18. A major causal contributor to the situation in which ACO members now find themselves is the failure of Governor Riley to direct his appointed commissioner accordingly and the legislature's failure to appropriate sufficient funds to permit the Department to operate safely and in a competitive manner to employ and retain an adequate number of correctional employees.
19. There is insufficient money in the Department's budget to make much-needed repairs to facilities. At Donaldson, for example, there is frequent flooding and leaking of the roof when it rains.
20. In addition, the disparity in pay for state correctional officers contributes to the difficulty in maintaining correctional staff. For example, an Alabama state trooper makes \$35,589 in his or her first year on the job. An Alcohol Beverage Control law enforcement officer makes \$35,589, a Department of Revenue Enforcement Officer makes \$35,589, and a Department of Conservation Enforcement Officer makes \$35,589. By contrast, a correctional officer makes \$29,954 in his or her first year on the job. It is difficult to recruit and maintain correctional staff while this pay differential exists.

21. On February 2, 2009, the ACO conducted a press conference to highlight some of the issues referenced herein. Thus far, Governor Riley, the Department, and the legislature have failed to take the necessary steps to satisfy the concerns of the ACO.

22. In recent meetings and conversations with the ACO and ACO representatives, Departmental officials and representatives of Governor Riley have cautioned the ACO about communicating about the conditions of facilities to the public under the premise that such communication could encourage inmates to take action against correctional employees or others, or could imply conditions are favorable to initiate a prison riot. ACO members and their representative have been reminded to be cognizant of department regulations, but yet when the ACO asked on one specific occasion for legal guidance / clarification from department staff concerning a planned ACO event with representatives of the media, the department staff told the ACO the department could not provide such guidance and suggested the ACO retain its own legal counsel for such purposes. The ACO was notified recently as well that the organization could no longer communicate with ACO members by way of the

department's email system, even though this practice was acceptable to the department prior to the ACO making comments critical of Governor Riley.

23. The members of the ACO, however, believe that remaining silent about the working and living conditions in Alabama prisons is more likely to cause harm to employees and inmates. It is the belief of the ACO the actual conditions of Alabama's correctional system should be presented to citizens of the state and that a perspective of employees who work in these facilities is critical to the public's overall awareness of the state of corrections in Alabama.

24. Immediate action is required to remedy unsafe and overcrowded conditions for officers and inmates at Donaldson and other Alabama prisons.

Pursuant to 28 U.S.C. ' 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 3rd day of April, 2009.

BY 

Captain Lloyd Wallace
President, Alabama Correctional
Organization