

Southern Poverty Law Center
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Alabama

Only Young Once

Alabama's Overreliance on School Pushout and For-Profit Youth Incarceration

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Executive Summary

Alabama has a long history of incarcerating Black children. For generations, the state has overly criminalized Black youth, pushing them out of school without due process and penalizing them more harshly than their white counterparts. Today, youth incarceration has also evolved into a lucrative business venture in Alabama. For-profit youth detention facilities have been repeatedly exposed for rampant abuse, while cutting corners to maximize financial profit. Overall, Alabama’s approach to youth justice has produced persistent racial disparities and a system that is more expensive than it is rehabilitative. This report examines the state’s youth legal system and offers policy recommendations for reform.

Alabama’s youth legal system overemphasizes incarceration, even though youth crime rates have declined for decades.

- Contrary to the “superpredator” myth that predicted a sharp increase in youth crime, youth arrest rates decreased by 80% in the U.S. and 86% in Alabama from 2000 to 2020.
- Alabama has the eighth-highest youth incarceration rate in the nation as of 2021.

Alabama’s school-to-prison pipeline and youth incarceration disproportionately impact Black children.

- A Black student is suspended from Alabama schools every 15 minutes – leading to the sixth-highest suspension and expulsion rates in the country.
- Black children are more likely to be suspended from school than their white counterparts, even when committing similar offenses.
- Alabama’s schools are more likely to refer Black boys with disabilities to law enforcement than any other group of students.

Alabama’s youth detention facilities – especially ones run for profit – have proven to be dangerously abusive to youth and expensive for taxpayers.

- Incarcerated youth experience harm from excessive solitary confinement, physical and sexual abuse, and educational disruption – all contributing to recidivism.
- Incarcerating a young person in Alabama for one year in a public facility (\$161,694) or private facility (\$120,450) is more expensive than the annual cost to educate that child in Alabama public schools (\$12,092), fund community-based programs (\$20,075), and pay for attendance at the University of Alabama and Auburn University combined (\$54,672).

Policy reforms for Alabama should prioritize youth rehabilitation, disruption of the school-to-prison pipeline, and investment in the successful futures of children.

The Southern Poverty Law Center's recommendations:

1. Alabama should end exclusionary and punitive discipline as an arbitrary, routine practice and require that local school boards create due process protections against long-term suspensions and expulsions.
2. Alabama should discontinue the use of privately owned for-profit youth incarceration facilities.
3. Alabama should make nonviolent offenses, especially technical violations and nonviolent drug offenses, nonjailable offenses for youth.
4. Alabama should raise the minimum age of youth incarceration and prosecution in the state from 11 to at least 14.
5. Alabama should invest in community-based alternatives to youth incarceration, and school-based policies that prioritize rehabilitation and services to support children's needs.

“We marched out in pairs singing ‘We Shall Overcome.’ We did not get very far before a police officer stopped us. ... I was intimidated by looking at a white man, a police officer, gun on his hip, stick in his hand. ... But somebody started singing, ‘We Are Not Afraid.’ That gave me the courage to remain in that line and to be arrested.”

**Janice Wesley
Kelsey, arrested
in 1963 at age
16 for protesting
segregation in
Birmingham,
Alabama¹**

Only Young Once

Alabama's Overreliance on School Pushout and For-Profit Youth Incarceration

By Delvin Davis,
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Alabama has a long history of incarcerating Black children. Over 60 years ago, George Wallace was elected governor on a platform promising to defend white supremacy. In his inaugural address, Wallace declared, “It is very appropriate then that from this cradle of the Confederacy, this very heart of the great Anglo-Saxon southland, that today we sound the drum for freedom as have our generations of forebears before us done. ... In the name of the greatest people that have ever trod this earth, I draw the line in the dust and toss the gauntlet before the feet of tyranny ... and I say ... segregation now ... segregation tomorrow ... segregation forever.”² The “drum for freedom” Wallace spoke of in his inaugural address did not refer to the freedom and liberty of Black people. In fact, those challenging Jim Crow throughout the South represented the “tyranny” in his speech that he vowed to combat.

This assault on basic civil liberties for Black people was particularly pronounced in Birmingham, Alabama. Even compared to other places throughout the segregated South, the Rev. Martin Luther King Jr. deemed Birmingham as “the most segregated city in America.”³ For Black Birmingham residents, numerous city ordinances put the dignity of ordering a plate of food, enjoying a show, or even playing a game of cards under the looming shadow of segregation.⁴

With fear of retaliation discouraging many adults from protesting Birmingham’s segregation, King and leaders from the Southern Christian Leadership Conference recruited youth to walk out of their schools to march in droves. Thus, on May 2, 1963, only a few months after Wallace’s speech, over 1,000 Black youth – some as young as 6 years old – took to the streets of Birmingham, Alabama, in what became known as the “Children’s Crusade” to protest segregation

in their state. Law enforcement responded swiftly by arresting children en masse for “parading without a permit.”⁵

As hundreds of youth were arrested and filled local jails well beyond capacity, Eugene “Bull” Connor, a staunch segregationist and Birmingham’s commissioner of public safety, escalated his law enforcement tactics by ordering attack dogs and water from high-pressure fire hoses to disperse the marchers.⁶ Connor said on his approach to civil rights protesters, “I want ’em to see the dogs work. Look at those n-----s run.”⁷ The blatant violence, in tandem with mass youth incarceration, became etched in Birmingham’s legacy, as images of child brutality were broadcast across national and international media.

Today, over 60 years after Bull Connor’s brutality towards children, youth incarceration is still

commonplace in Alabama – especially for Black youth. State law allows incarceration for children as young as 11 years old while having no minimum age for youth court prosecution,⁸ which steered many in the Children’s Crusade into the legal system. Today, Alabama has the eighth-highest youth incarceration rate in the nation,⁹ which includes a track record of abuse, neglect, and fiscal waste. Moreover, compounding on the state’s history of youth incarceration, a new dynamic has evolved: Alabama’s entrance into contracts with private corporations that financially profit from jailing the state’s children.

This report investigates the dynamics of Alabama’s youth legal system and highlights opportunities for much-needed change. First, this report will delve into the myth of the “superpredator” and its impact on perceived Black youth criminality. Second, it will explore Alabama’s school-to-prison pipeline and its overreliance on punitive and exclusionary discipline. Third, the report will expound upon the prevalence of racial disparities throughout the youth legal system. Fourth, it will outline Alabama’s prioritization of incarceration over more effective rehabilitative options for children. Fifth, it details the extensive harms of youth incarceration. Lastly, the report will highlight opportunities for reform and offer possible policy recommendations.

From Protester to Superpredator: Myths of Black Youth Criminality

“[F]ederal military troops are now on duty in Birmingham. Their unwarranted presence is an open invitation to a resumption of street rioting by lawless Negro mobs, under the assumption they will be protected by Federal military forces.”

Alabama Governor George C. Wallace displaying his concern about youth protesters to President Kennedy, May 1963¹⁰

Soon after police violence erupted toward Black children in Birmingham, President John F. Kennedy deployed federal troops to Alabama to deter further chaos. Governor Wallace protested Kennedy’s decision, claiming that their presence would resume “street rioting by lawless Negro mobs.” Wallace’s “lawless Negro mobs” reference implies an image of dangerous adults engaging

in illegal activity across the city, not children marching peacefully for justice, only to be met with incarceration and brutality.

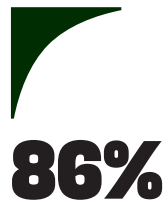
Wallace, who would continue to run as a “law and order” politician throughout his career,¹¹ attempted to portray Black youth from the Children’s Crusade as a violent problem to quell by force, not as children warranting protection or investment. Such a lens speaks to the myth of the “superpredator,” a term coined decades later in the mid-1990s by former Princeton professor John DiIulio.

DiIulio’s superpredator theory claimed that certain youth have a “moral poverty” causing them to “murder, rape, rob, assault, burglarize, deal deadly drugs, and get high.”¹² According to him, “On the horizon, therefore, are tens of thousands of severely morally impoverished juvenile super-predators. They are perfectly capable of committing the most heinous acts of physical violence for the most trivial reasons. ... They live by the meanest code of the meanest streets, a code that reinforces rather than restrains their violent, hair-trigger mentality.”¹³

Through his theory, DiIulio intertwined aspects of race and fearmongering, claiming that over the course of a decade, moral poverty would “unleash an army of young male predatory street criminals who will make even the leaders of the Bloods and Crips – known as O.G.s, for ‘original gangsters’ – look tame by comparison.”¹⁴ His connection between Black youth and “gangsters” inferred that the remedy for youth crime should be as harsh as the fear that this analogy provoked – including using the full weight of law enforcement and incarceration against young people instead of more rehabilitative measures.

In DiIulio’s own words, “No one in academia is a bigger fan of incarceration than I am. ... By my estimate, we will probably need to incarcerate at least 150,000 juvenile criminals in the years just ahead. In deference to public safety, we will have little choice but to pursue genuine get-tough law-enforcement strategies against the super-predators.”¹⁵ This fear of young Black people would subsequently enter the political sphere, helping justify harsher criminal penalties and greater investment in law enforcement and carceral facilities with the passage of the 1994 Crime Bill.

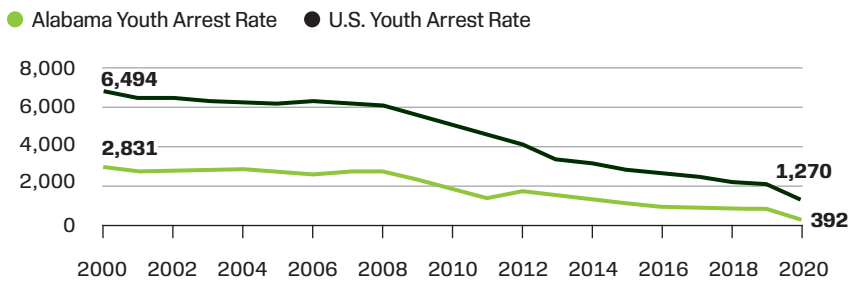
However, over the following decades, the thousands of violent teenagers predicted to flood the nation’s streets never materialized,



Youth arrest rates declined by 80% in the U.S., and 86% in Alabama, from 2000 to 2020. Still, despite clear data, negative perceptions of Black youth have continued to dominate the United States’ approach to youth crime and focus on disciplinary methods that are more punitive than productive.

fully debunking DiIulio’s claims. In fact, youth arrest rates declined by 80% in the U.S., and 86% in Alabama, from 2000 to 2020. Still, despite clear data, negative perceptions of Black youth have continued to dominate the United States’ approach to youth crime and focus on disciplinary methods that are more punitive than productive.

U.S. and Alabama Youth Arrest Rates Have Declined for Decades



Sources: U.S. arrest rates are from the U.S. Office of Juvenile Justice and Delinquency Prevention. Alabama arrest figures are from the Alabama Law Enforcement Agency, calculating rates according to youth population estimates from the U.S. Office of Juvenile Justice and Delinquency Prevention. Figures presented as arrests of youth ages 17 and below, per 100,000 youth ages 10-17.¹⁶

Alabama’s Lack of Due Process in Schools Fuels Arbitrary Discipline and the School-to-Prison Pipeline

“The complaint alleges that Linda Cal Woods participated in a peaceful demonstration against racial segregation on May 4, 1963, which was a Saturday and a school holiday. She was arrested and charged under Section 1159 of the Code of the City of Birmingham with parading without a license. ... The complaint charged that Linda Cal Woods, and others of her class, were expelled without any hearing and opportunity to defend against ‘the right not to be arbitrarily expelled from the public school.’”

Text from Fifth Circuit decision in *Woods v. Wright*, July 1964¹⁷

Two weeks after Linda Woods, an 11-year-old¹⁸ Black girl enrolled in Birmingham’s public school system, marched with her classmates in protest of segregation, her family received a letter saying that she was suspended from school for the rest of the year.¹⁹ The letter was sent by the city’s school superintendent, and endorsed by three members of the Board of Education personally appointed by Bull Connor.²⁰

Black students over the age of 16 got a similar letter, but with expulsion as the penalty.²¹ All penalties would be enshrined on each student’s permanent record, and imposed without any due process procedures. Due process would have allowed protections for children and families to ensure school discipline was not levied unfairly – providing an opportunity to defend their case in a fair hearing and proper notification given to the family of their rights. For Linda and other young protesters, the arbitrary suspensions and expulsions carried the additional consequences of jeopardizing grade promotion and graduation from school.

Without due process and a fair hearing prior to suspension, the only recourse available to the students was through the courts, a process both burdensome and cost-prohibitive. Fortunately, Linda and her peers were ultimately able to win their day in court on appeal and reinstate their academic status with a clear disciplinary record.²² However, the practice of arbitrary school pushout without proper due process is still prevalent to this day in Alabama.

Alabama does not have a uniform due process statute that protects students against arbitrary school pushouts.²³ This remains the case despite a recent legislative attempt to create a due process standard.²⁴ By contrast, other Southern states like Mississippi²⁵ and Georgia²⁶ require a due process hearing for students facing suspensions over 10 days, including a right to have people advocate for them during the process and to appeal the disciplinary decision. Parents and guardians are also given fair notification of the hearing process.

Unlike Mississippi and Georgia, Alabama statute does not explicitly mandate due process rights to students and families before any exclusionary school discipline.²⁷ Ultimately, the lack of uniform state protections produces local policies that vary widely across all of Alabama’s school districts. For example, in support of SB 79, 2022 proposed legislation aimed at creating a statewide due process standard, state Sen. Rodger Smitherman told opponents of the bill, “Due process doesn’t come in different flavors and different groups. ... To do it the way you’re saying, everybody isn’t gonna have it equally.”²⁸

The Southern Poverty Law Center (SPLC) has filed lawsuits against Alabama school districts to protect children from arbitrary suspensions. In January 2020, SPLC filed two lawsuits against the Montgomery County Board of Education on



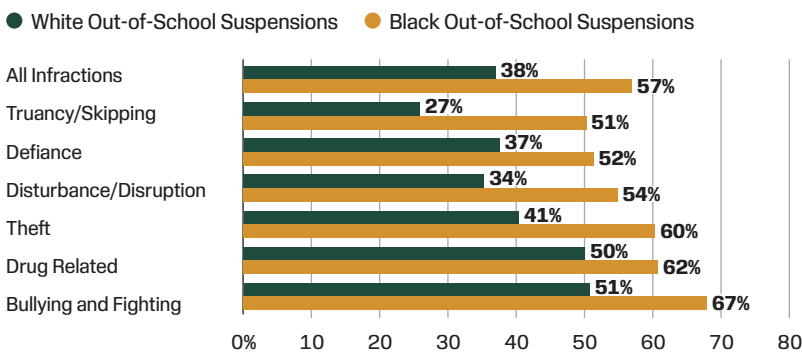
behalf of two Black students who were arrested, held in adult jail, and expelled after one had his cellphone mistaken for a gun.²⁹ In another October 2020 case, SPLC filed complaints against the Pike County Board of Education after two Black students allegedly smoking marijuana on campus were suspended despite presenting drug tests that refuted their drug use.³⁰ Neither of these cases allowed students their rightful due process before they were disciplined.

Despite the inconsistency of local district policies, one thing that is consistent across the state is that Black students are disproportionately suspended from public schools. According to 2017 school discipline data compiled by the Public Affairs Research Council of Alabama, Black students make up 33% of students in Alabama’s public schools, but account for 60% of all reported disciplinary incidents.³¹ Their data also indicates that Black children are suspended

from school more often than white students even when they are disciplined for similar infractions. In the case with Pike County Schools, 80% of students referred for disciplinary hearings were Black even though they made up less than 50% of the student population in the 2019-2020 school year.³² While “disturbance/disruption” is the most common infraction resulting in suspension, it is an ambiguous category that may be interpreted differently depending on the school district.

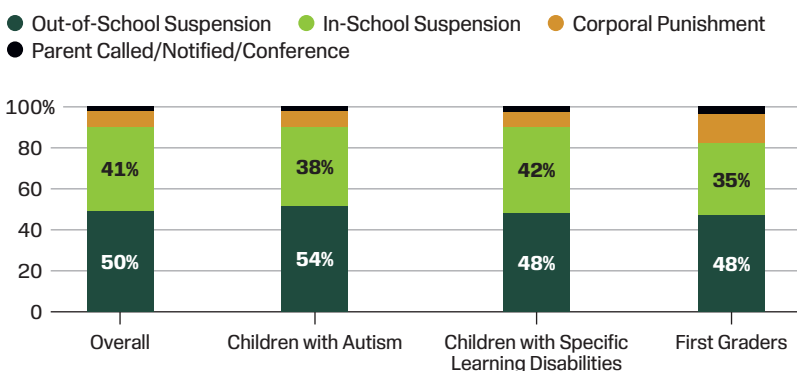
Several Alabama school districts have contemplated expanding police presence in schools after recent school shootings across the country.³⁴ This is while Alabama schools had a 415-to-1 student-to-counselor ratio, compared to 386-to-1 for the country.³⁵ In fact, data shows that full-time-equivalent sworn law enforcement officers in Alabama schools rose 33.3% between the 2017-18 to 2020-21 school years, while student enrollment decreased by 1.6% over that same timeframe.³⁶ Ratcheting up law enforcement’s presence has led to the over-policing of students of color who are in most need of supportive resources and services. For example, research by Alabama Appleseed found that Black boys with disabilities were more likely to be referred to law enforcement than any other group.³⁷

Alabama Disproportionately Suspends Black Children More Than White Children for Similar Infractions



Source: Public Affairs Research Council of Alabama, 2020 (Figures as of 2017)³³

Alabama Out-of-School Suspensions Are the Predominant Choice of Discipline



Source: Public Affairs Research Council of Alabama, 2020 (Figures as of 2017)⁴⁰

According to U.S. Department of Education figures, Alabama’s suspension and expulsion rates are both ranked sixth in the country, which includes suspending one out of every seven Black students (14.5%).³⁸ The 34,969 Black students suspended during the 2017-2018 school year means that a Black youth was suspended every 15 minutes in Alabama.³⁹ Also concerning is that out-of-school suspensions are the overwhelming choice of discipline compared to the rare occurrence of calling a parent or guardian, even for Alabama’s more vulnerable children.

Proper due process and parental notice have always been important means of protecting against arbitrary school suspension and expulsion. The lack of these protections in Alabama’s schools hampers anyone seeking to advocate in support of disciplined students. This was the case for Cory Jones Jr., a Black high school student from Tuscaloosa who spent two months of his senior year in in-school suspension before he could get a hearing.⁴¹ Cory would eventually be assigned to an alternative school for allegedly possessing marijuana, even though the police eventually charged someone else. “When the officer ran me my Miranda rights, I thought I was going to jail,” recalled

Cory. “I had dreams and goals for playing baseball ... but that was taken away from me due to this situation.”⁴²

Even though Cory was still able to earn his diploma after withdrawing and taking homeschooling courses, research shows that children suspended from school wind up more likely to drop out of school, and become incarcerated later in life.⁴³ Cory’s father, Cory Jones Sr., recalls growing up in the same school system: “As I got older ... some of my friends that went to alternative school – maybe they were in a fight, maybe talking back or whatever it may have been – they got in trouble, they went to alternative school. Now as time went on, they went to jail, they went to prison.”⁴⁴ The connection between school pushout and future imprisonment is significant in a state like Alabama, where adult prison facilities are currently 169% over capacity.⁴⁵

Alabama’s Youth Legal System Disproportionately Incarcerates Black Children and Criminalizes Minor Offenses

“Racial disparities exist throughout the juvenile justice system, including all types of out-of-home placement, and are largest for [Department of Youth Services] commitment and transfer to the adult system. A larger share of black youth are placed in detention, out-of-home diversion, and DYS custody than their share of the overall youth population. Black youth also receive a disproportionately high share of dispositions to DYS custody when compared to their share of initial complaints. This disparity holds true when comparing complaints and out-of-home placements for youth who commit misdemeanors or felonies.”

Text from the Alabama Juvenile Justice Task Force Final Report, 2017 ⁴⁶

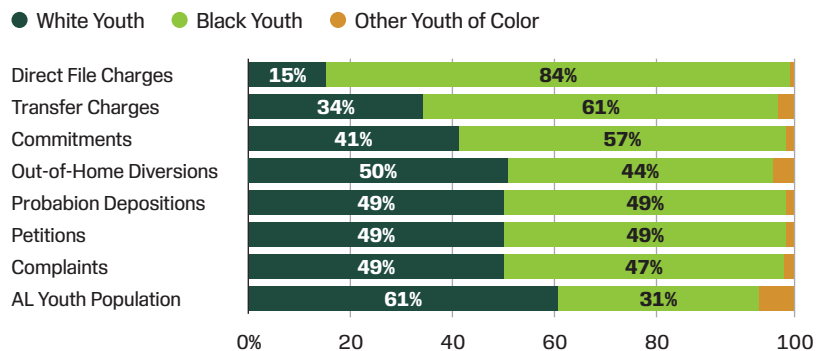
In June 2017, Alabama Governor Kay Ivey signed a joint resolution to establish a state Juvenile Justice Task Force charged with building on the success of reforms in the Alabama Juvenile Justice Act of 2008.⁴⁷ That legislation determined that status offenders and children aged 10 and under generally would not be incarcerated in secure custody.⁴⁸ Since the law became effective, youth admissions to the Alabama Department of Youth Services (DYS), the division charged with administering the state’s youth detainment facilities, declined from 2,078 in FY 2009 to 618

in FY 2022 – a 70.3% decline.⁴⁹

However, even with declining admission rates, Alabama still has the eighth-highest youth incarceration rate in the nation, according to 2021 data from the U.S. Office of Juvenile Justice and Delinquency Prevention (OJJDP).⁵⁰ Additionally, Black youth in Alabama are incarcerated at 2.4 times the rate of their white counterparts as of 2021.⁵¹

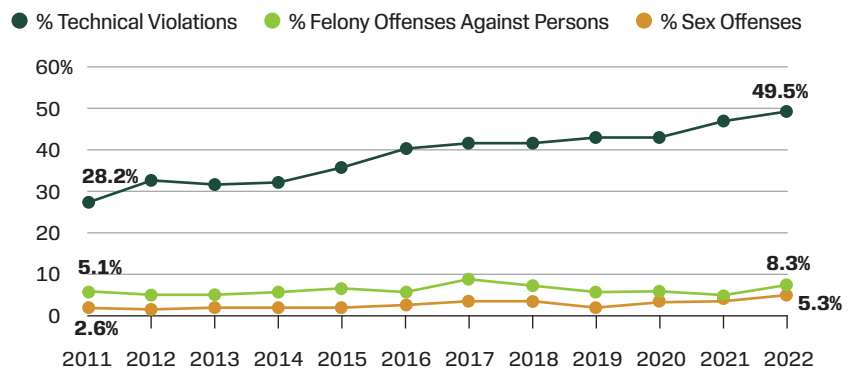
The task force found that even though youth crime was on the decline, youth detention rates have stayed relatively the same and out-of-home placements have slightly increased – which may be an indication of longer periods of incarceration in recent years.⁵² In fact, DYS has expressed a “waiting list issue” where detention centers are holding youth for longer periods of time before DYS can serve them, but often without enough funding to adequately meet their needs.⁵³

Black Youth Are Overrepresented Throughout Alabama’s Youth Legal System



Source: Alabama Juvenile Justice Task Force, December 2017 ⁵⁵

Technical Violations Are Currently the Most Common Reason for Involvement in the Alabama Youth Legal System



Source: Alabama Department of Youth Services Annual Reports ⁵⁹

The task force also found that youth were removed from their homes at persistently high rates “even though the offenses youth are committing have not grown more serious.”⁵⁴ Similar to the racial disparities with school discipline, Black children are disproportionately represented in Alabama’s incarcerated youth, and throughout multiple levels of the state’s youth legal system.

These racial disparities are compounded whenever the initial incident entangling a young person in the legal system is minor or nonviolent. For a decade (2013 to 2022), the most common offense for admissions to DYS has been technical violations – when a youth violates the terms of probation set by youth court.⁵⁶ The median length of youth probation more than doubled from 2009 to 2016 to over 18 months, increasing the odds of revocation.⁵⁷ In fact, the percentage of DYS youth admissions stemming from technical violations has increased to nearly half (49.5%) in 2022, while offenses considered more serious (sex offenses and felony crimes against persons) comprise only 13.6% combined.⁵⁸

Failing to report to a probation officer, getting suspended from school for minor matters like truancy, or not paying court fines and fees, while not violent offenses, could all violate a youth’s terms of probation and result in incarceration. For paying court fines in particular, the task force found that the percentage of youth court cases that levied court costs more than doubled from 7% in 2007 to 18% in 2016, correlating to the increase of DYS admissions for technical violations.⁶⁰ As of 2017, average court costs range between \$46 to \$283, and are assessed to youth with often little financial means to pay, but face serious consequences if they do not settle the debt.⁶¹ With only 5% of court costs and 15% of restitution collected by the courts, the inability to pay court costs appears to be a significant link to youth incarceration.⁶² According to OJJDP data, there were 90 youth incarcerated in Alabama secure facilities for technical violations as of 2021.⁶³

Minor drug offenses are another nonviolent activity that entrenches young people in the legal system. Drug offenses could be more appropriately and inexpensively handled by counseling in community-based programs instead of carceral settings that do not guarantee adequate provisions for drug counseling. OJJDP indicates another 36 youth were incarcerated in secure facilities in 2021 for drug offenses.⁶⁴ Of these youth incarcerated for either technical offenses or drugs, 45% were Black youth.⁶⁵



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Profit Over People: The Rampant Harm Created by Financial Incentives to Incarcerate Alabama Youth

“I can’t breathe.”

“I don’t feel safe here.”

“Lots of kids they try to kill themselves here. I’m one of them.”

Statements from youth held in Alabama’s Sequel facilities ⁶⁶

In the 1980s, Jay Ripley and his mentor, James Hindman, were both top executives at Jiffy Lube, an auto service franchise company.⁶⁷ In the 1990s, Ripley noticed how youth detention and foster care were handled by state governments and local charities, and saw a profitable business opportunity.⁶⁸ Ripley co-founded Sequel Youth and Family Services (Sequel) in 1999 to provide “a comprehensive, unique, and scalable spectrum of services with a historical focus on the unmet mental health needs of at-risk adolescents.”⁶⁹ Sequel would establish its corporate headquarters in Huntsville, Alabama.⁷⁰

Unlike servicing cars, the business model was now to service children, many of whom had experienced varying levels of trauma. However, the business approach remained the same: take advantage of a constant stream of troubled youth and maximize profit through expanding facilities that are minimally staffed – even to the detriment of service quality – so as to not jeopardize profit margin. Stated plainly, Sequel operated its facilities to make money, not to rehabilitate children.

Sequel’s profit motives were no secret. In a 2015 presentation to business students at the University of Baltimore, Ripley explained that “my business with kids in my programs around the country, I’m going to get paid today for all of those students that are in my academies today. ... And the reason that we can make that profit is if you control your staffing level. You have to have enough staffing to have an excellent program, but you can’t have too much staffing to eat up your profit.”⁷¹

Sequel’s troublesome business model is evidenced by the testimony of youth held in its facilities, many leaving in a much worse state than how they entered – if they were able to leave at all. In recent years, multiple investigations and lawsuits have exposed

“I can’t breathe.”
“I don’t feel safe here.”
“Lots of kids they try to kill themselves here.
I’m one of them.”

**Statements from
youth held in
Alabama’s Sequel
facilities**

rampant harm in Sequel-run facilities across the country, including the murder in Michigan of Cornelius Frederick Jr., a 16-year-old Black youth pinned and smothered for 12 minutes under the weight of seven men who were then slow to give medical attention.⁷²

Alabama has contracted with Sequel to house both incarcerated children (under the jurisdiction of the Department of Youth Services)⁷³ and foster children (Department of Human Resources),⁷⁴ providing a concerning environment for all youth in their care. In 2020, the Alabama Disabilities Advocacy Program (ADAP) conducted an investigative review of one of Sequel’s facilities in Courtland, Alabama, which was under contract with the state of Alabama, and issued a letter of concern to the state about their findings. Their report found “children, some of whom are as young as twelve years old, housed in deplorable living conditions, subjected to physical and emotional harm, and deprived of meaningful therapeutic opportunities.”⁷⁵ The investigation’s findings regarding Sequel’s Courtland facility were a vivid and damning example of how children – including incarcerated ones – are treated in Alabama.

The harm these youth were subjected to ranged from excessive use of solitary confinement and physical and sexual abuse to blatant neglect of educational and medical needs. In addition to the physical and psychological trauma for children, the abuse from these facilities also has the extended impact of higher recidivism and costs to Alabama taxpayers. As of 2021, Alabama had the fifth-highest percentage of youth detained in privately run facilities (42.9%) in the country, nearly double the overall percentage for the U.S. (21.8%).⁷⁶

Solitary Confinement

“It appears that Sequel is using the timeout room for punishment or convenience, both of which are unlawful under federal and state law. ... Staff do not provide adequate monitoring or supervision. In one instance, in utter desperation, a resident set his mat on fire with a contraband lighter, after being locked in seclusion for seventy-two hours.”

Statement from an ADAP 2020 letter of concern regarding Sequel facilities⁷⁷

According to Alabama’s state code, seclusion cannot be “used as retaliation or punishment, for the convenience of providers and their

staff or as a substitute for more appropriate and less restrictive interventions or because of inadequate staffing.”⁷⁸ Observations of a child in solitary should happen at least every 30 minutes, and children should have access to space allowing for exercise, bathing, and toileting.⁷⁹ Despite these legal requirements, the excessive and inappropriate use of solitary confinement is done frequently at Sequel.

For example, Sequel facilities in Alabama have employed a “time-out” room designed for youth to go to for brief stints to calm down after a stressful event. Instead of short-term de-escalations, children reported being held in the room for several hours to four weeks at a time, often made to sleep on thin mats on the floor.⁸⁰

Additionally, without a toilet or sink in the room, youth have to bang on the doors to get someone’s attention and let them use the restroom. If this is unsuccessful, youth are “forced to urinate in the corner of the room and clean it up later or urinate into a container, if they have one.”⁸¹ The lack of regular supervision during seclusion also gives children greater opportunity to commit self-harm without being noticed.

Chronic understaffing in youth facilities increases the temptation to use isolation as a means to control behavior. However, solitary confinement has proven to be psychologically damaging and inhumane, and is strictly prohibited by the United Nations.⁸²

Physical, Sexual, and Psychological Abuse

Content warning: This section contains descriptions of physical and sexual abuse toward children, as well as suicide. Reader discretion is advised.

“Staff slam residents to the ground. Staff may lay on top of the resident, a staff across the resident’s legs and a staff across the resident’s middle. If it is a big staff [person, you’ll] sometimes hear a resident saying ‘I can’t breathe.’”

Statement from a youth held in Alabama’s Sequel facilities⁸³

This youth’s statement was captured in the July 2020 ADAP report, only a few months removed from George Floyd saying those same words as he was murdered while forcefully held in an eerily similar posture. This reflection speaks to the overly violent environment in Sequel



43%

As of 2021, Alabama had the fifth-highest percentage of youth detained in privately run facilities (42.9%) in the country, nearly double the overall percentage for the U.S. (21.8%).

facilities. For example, a lawsuit against Sequel's Tuskegee facility would describe the company as having a "culture of violence" where "staff would pick [a child] up by the throat until he passed out."⁸⁴

ADAP documented rampant harm in Sequel facilities, including physical violence, verbal abuse, and sexual misconduct. According to one child at Sequel's Courtland, Alabama facility, "[S]taff liked to snap kids. I got slammed on the floor face down and got a knot on my eye. I got slammed down a 2nd time a few days later. Those staff are still here part time. Both times happened at school and it made me feel awful because other kids watched."⁸⁵ Another staffer notorious for verbal abuse was reported screaming, "I'm gonna punch you in the m--- f---- throat!" while telling another with clenched fists, "Get the f--- out of my face!" triggering the youth's memories of past family trauma.⁸⁶ Sexual abuse has also been alleged in Sequel's Alabama facilities. In 2017, a staffer at Sequel's Three Springs facility in Madison, Alabama, was arrested for having sex with several boys during a two-month span, charges that would garner up to 40 years in prison and require registry as a sex offender.⁸⁷

The lawsuits and ADAP investigations may only scratch the surface of documenting the full amount of abuse. However, all abuse to young people can have lasting harm and dangerous consequences. In the National Longitudinal Study of Adolescent to Adult Health, young people incarcerated for less than a month had higher rates of depression than their non-incarcerated peers, while youth incarcerated for over a year were four times more likely to be depressed and twice as likely to have suicidal thoughts in adulthood.⁸⁸ For many youth, suicidal ideation may feel like the only means of escape from incarceration and its trauma.

Incarceration detaches a child from school in a manner that can create a self-perpetuating downward spiral. In addition to education, school is often a primary space where a child receives counseling resources, meals, and a sense of community.

The mother of Connor Bennett, a teen who was held in a Sequel facility in Tuskegee, described her son's experience as a "living hell" where her son's pleas for help were ignored.⁸⁹ Connor's family filed a lawsuit, stating that "on numerous occasions, Connor was horrifically brutalized sexually, physically and emotionally by other residents. ... Despite these cries for help, staffing ignored the reports and chose to do absolutely nothing to prevent the abuse so the assaults on Connor continued. Connor was desperate and felt he had lost all hope."⁹⁰ Unfortunately, after being held at Sequel for six months, Connor ultimately passed after succumbing to self-inflicted injuries in April 2022.

Disruptions to Education

"I know it ain't real school. They don't teach us stuff I think I should be learning. Everybody (all grade levels) do the same work."

Statement from a youth held in Alabama's Sequel facilities ⁹¹

ADAP's investigation of Sequel's Courtland facility exposed several concerns about how incarcerated youth were educated, including a failure to provide grade-level schoolwork and instruction, school services when a teacher was absent, or credit recovery to remain on grade level.⁹² Given Alabama's propensity for suspending and expelling children from public schools, not properly educating many of these same children if they are incarcerated compounds the issue.

Incarceration detaches a child from school in a manner that can create a self-perpetuating downward spiral. In addition to education, school is often a primary space where a child receives counseling resources, meals, and a sense of community. Once a child is removed from their educational environment, they often do not return. Research shows that only a third of formerly incarcerated youth re-enroll in school upon release.⁹³

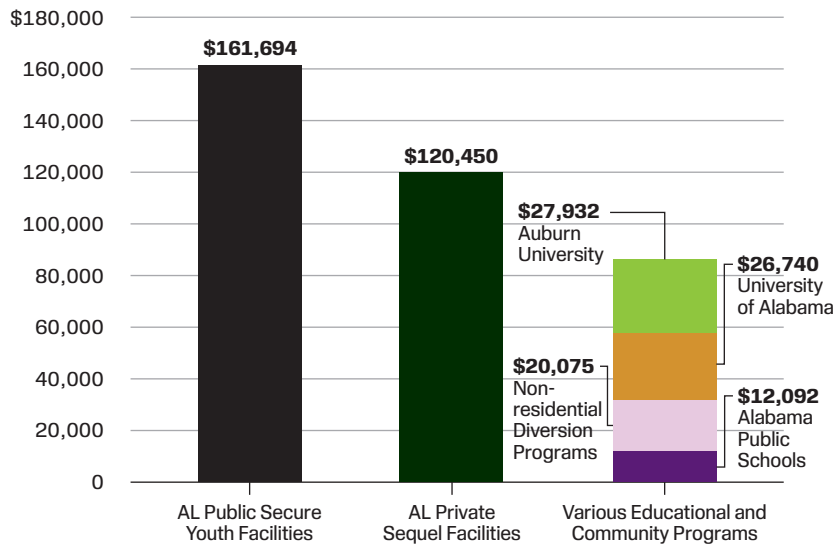
Recidivism

"[B]asically, when you get locked up you learn to be a better criminal."

Statement from an incarcerated youth in Alabama ⁹⁴

The ability to have sound and accessible data to measure effectiveness has always been important in public policy. However, Alabama has no consistently collected data on youth

Annual Cost Comparisons Between Youth Incarceration and Education in Alabama



Sources: Alabama Juvenile Justice Task Force (FY 2016 cost for secure facilities and diversion programs)¹⁰⁷; *Patricia & Hunter C. v. Sequel* (2020 Sequel cost)¹⁰⁸; University of Alabama and Auburn University official websites (2023-24 school year)¹⁰⁹; Education Data Initiative (2023 public school figure)¹¹⁰

recidivism.⁹⁵ Such a metric would help measure if the system is effective in rehabilitating young people, or one that is simply an expensive revolving door where future incarceration is expected.

The task force did recognize the considerable amount of prior research emphasizing the fact that long detentions do not make youth less likely to re-offend. One study they referenced concluded that “incarceration may not be the most appropriate or effective option, even for many of the most serious adolescent offenders. Longer stays in juvenile facilities did not reduce reoffending; institutional placement even raised offending levels in those with the lowest level of offending. Youth who received community-based supervision and aftercare services were more likely to attend school, go to work, and avoid further offending during the 6 months after release, and longer supervision periods increased these benefits.”⁹⁶

One Alabama facility staff member described it more bluntly: “We call it gumbo. ... They’re learning, and then they go back out there and they come right back in.”⁹⁷ Considering how many young people enter the legal system for low-level and nonviolent offenses, there is the potential for youth to leave the system worse off than when they entered – further contributing

to overcrowded adult prisons that, as mentioned, are currently 169% over capacity.⁹⁸

Fiscal Waste

“We focused on public pay because we figured kids are always going to have issues and they’re always going to get in trouble, and again, the government has to figure out a way to take care of them.”

Jay Ripley, Sequel Youth & Family Services co-founder, 2015⁹⁹

Ripley’s statement, quoted while getting paid \$104,167 a month (\$1.25 million annually) as the company’s chairman,¹⁰⁰ speaks to the profit incentive for incarcerating children. Ripley implies that there will always be a steady “supply” of at-risk youth, and that states will not have the capacity to care for them all – creating a lucrative business opportunity to benefit from government contracts.

Incarcerating children is incredibly expensive. In 2020, Alabama paid Sequel approximately \$330 per day to detain each child in their facilities (\$120,450 annually).¹⁰¹ Since 2016, Sequel has secured \$68 million in contracts from the state of Alabama.¹⁰² Given the rampant documented abuse in Sequel facilities, Alabama’s higher costs do not correlate to higher quality – especially if Sequel is cutting corners with poorer-quality staffing. According to a former Sequel staffer, “My understanding was that they were willing to hire literally anyone who was willing to take the job and could pass a background check.”¹⁰³ Another former Sequel employee explained, “When you hire 20-year-olds for \$13 an hour to take care of 17-year-olds, that might not be a recipe for success.”¹⁰⁴

More broadly, the task force estimated in 2017 that the state paid up to \$161,694 annually for out-of-home secure placement in facilities run by Alabama’s DYS.¹⁰⁵ At the time, this was eight times the cost of nonresidential diversion programs that divert youth from state custody and back into the community (\$20,075 per youth annually).¹⁰⁶

The costs of locking up Alabama’s children, either in state or privately owned facilities, dwarf the cost of providing an education for those same children in Alabama’s public schools and universities. The cost to incarcerate a child for one month in a state-run secure youth facility would pay for well over a year’s worth of education (16 months) in an Alabama public school.



Potential for Policy Reform

“We have children in family court that I believe, if given all the services, not only to them but to their families, will make a significant impact in their lives and change their trajectory.”

Judge Janine Hunt-Hilliard, Jefferson County Family Court¹¹¹

At the end of the 2017 task force’s evaluation, the group reached consensus on 48 different policy recommendations geared toward progress on three objectives:¹¹²

- Keep lower-level youth from unnecessary involvement in the juvenile justice system through early interventions and swift, consistent responses.
- Protect public safety and more effectively allocate taxpayer dollars by focusing system resources on youth who pose the greatest risk to public safety.
- Establish and sustain better public safety outcomes through increased system accountability and reinvestment into evidence-based programs in local communities.

If implemented, the recommendations were estimated to reduce youth incarceration by 45% in Alabama over the following five years, and save taxpayers over \$34 million that could be used to reinvest in community-based alternatives to incarceration.

Unfortunately, the commitment to youth decarceration established by the Juvenile Justice Act has not been realized much beyond the task force’s final report. Since the report was published in December 2017, the scathing ADAP investigatory report and letter of concern about Sequel facilities were published in July 2020. Additional lawsuits and scrutiny from state and national media would follow for years afterward – including cases involving youth pushed to the point of considering suicide.¹¹³

Even with Sequel’s documented abuse, Alabama Governor Kay Ivey chose to renew Sequel’s contract with the state in 2019 for nearly \$13 million, which at the time allowed Sequel to continue running its Courtland facility through September 2022.¹¹⁴ The company still currently operates its facility in Tuskegee, although rebranded under a different business name: Brighter Path. Even under the new name, at least

a fifth lawsuit alleging abuse at the Tuskegee facility surfaced in March 2023 – indicating not much has changed about their violent culture.¹¹⁵

Alternatively, there are community-based programs and diversion options that have served as a viable alternative to youth incarceration for years. Programs like the Helping Families Initiative have provided interventions for children showing a pattern of truancy, identifying root causes of behavior to prevent court referrals.¹¹⁶ Likewise, the R.E.S.T.O.R.E. program in Birmingham provides wrap-around services for youth and their families to deter youth involvement in the legal system.¹¹⁷

In 2023, Ivey dedicated grant funding to various community groups across Alabama that had projects dealing with vulnerable youth and recidivism.¹¹⁸ The grants ranged from \$16,000 to \$50,000. While helpful, the grant amounts paled in comparison to the nearly \$13 million recently invested in Sequel’s multi-year contracts.

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Policy Recommendations



The potential for reform is still a possibility for Alabama, but only with a serious investment in youth decarceration, and a recommitment to the priorities set by the task force years ago. In addition to increased data tracking – especially recidivism data for incarcerated youth – the Southern Poverty Law Center recommends the following policy recommendations to foster needed change in Alabama:

Alabama should end exclusionary and punitive discipline as an arbitrary, routine practice and require that local school boards create due process protections against long-term suspensions and expulsions.

Alabama is one of the national leaders in school pushout, and does not have basic statewide due process protections for students. The lack of youth protections has contributed to stark and persistent racial disparities. Proper due process measures would provide a fair hearing where a student can present evidence, have advocates speak on their behalf, and have proper parental guardian notification. Keeping a child connected to their school is critical to alleviating youth incarceration.

Alabama should discontinue the use of privately owned for-profit youth incarceration facilities.

Child abuse should never be a profitable business model. In fact, in 2015, youth advocates at the National Juvenile Justice Network adopted a policy platform recommending a ban on using for-profit private youth facilities, stating that “[w]hile businesses exist to turn a profit, not everything profitable is good for our communities,” and that private entities are “encouraging the incarceration of youth and the minimization of needed services.”¹¹⁹ The Southern Poverty Law Center wholeheartedly agrees. The business model of private companies like Sequel Youth & Family Services gives more emphasis to generating revenue than rehabilitating children. Alabama can emphasize healthy and successfully rehabilitated children without the need for incarceration, and do so in a more cost-effective way than private facilities with a history of harm.

Alabama should make nonviolent offenses, especially technical violations and nonviolent drug offenses, nonjailable offenses for youth.

Using incarceration as the primary means to handle nonviolent incidents is a very poor deterrent to future crime.¹²⁰ Alabama’s Juvenile Justice Task Force recognized that “low-level youth frequently receive the most severe system responses, even though over-involvement can make them worse.”¹²¹ Community resources and counseling are not only more rehabilitative for children, but more cost-effective for taxpayers. In 2021, there were 126 children incarcerated in Alabama for technical violations and drug offenses – more than one out of every six incarcerated children (18.6%) in the state that year.¹²² Handling these youth through community means could save Alabama \$17.8 million annually.

Alabama’s Estimated Savings from Decriminalizing Nonviolent Youth

	Youth Incarcerated in Alabama Secure Care Facilities	Annualized Cost to Incarcerate	Annualized Cost for Community-Based Programs	Cost Savings to Taxpayers
Technical Violations	90	\$14,552,460	\$1,806,750	\$12,745,710
Drug Offenses	36	\$5,820,984	\$722,700	\$5,098,284
Totals	126	\$20,373,444	\$2,529,450	\$17,843,994

Sources: Population figures from the U.S. Office of Juvenile Justice and Delinquency Prevention, “Census of Juveniles in Residential Placement: 1997-2021.” Cost figures from Alabama’s Juvenile Justice Task Force 2017 final report.¹²³

Alabama should raise the minimum age of youth incarceration and prosecution in the state from 11 to at least 14.

Currently, Alabama, with some exceptions, sets the minimum age of youth incarceration at 11,¹²⁴ while having no established minimum age for prosecution in youth court.¹²⁵ Recognizing a more rehabilitative approach, and science confirming that the human brain does not complete its development until around age 25, the United Nations recommended that the minimum age of criminal responsibility be at least 14 years old internationally.¹²⁶

Incarcerating younger children not only exposes them to physical, sexual, and psychological abuse, but interrupts their education, and can saddle families with expensive court debt. According to OJJDP, there were 45 youth under the age of 14 incarcerated in Alabama facilities in 2021.¹²⁷ Keeping these children out of the legal system and in their community could save Alabama over \$6.3 million annually in taxpayer money.

Alabama should invest in community-based alternatives to youth incarceration, and school-based policies that prioritize rehabilitation and services to support children's needs.

Programming that keeps young people connected to their homes, communities, and schools can alleviate carceral facilities that often struggle to provide adequate staffing and care. Given that as much as 70% of children involved in the youth legal system have a diagnosable mental health condition,¹²⁹ counseling in their home communities would be much more rehabilitative than incarceration.

Community-based programs have shown themselves to be successful alternatives to youth incarceration,¹³⁰ and have merited recent investment from Governor Ivey in Alabama. However, the scope and reach of these programs will be limited without a deeper commitment from the state. Alabama should be intentional about prioritizing funding support for these programs, as well as seeking available resources from the OJJDP.

Alabama’s Estimated Savings from Decriminalizing Nonviolent Youth

	Youth Incarcerated in Alabama Secure Care Facilities	Annualized Cost to Incarcerate	Annualized Cost for Community-Based Programs	Cost Savings to Taxpayers
Under Age 14	45	\$7,276,230	\$903,375	\$6,372,855

Sources: Population figures from the U.S. Office of Juvenile Justice and Delinquency Prevention, “Census of Juveniles in Residential Placement: 1997-2021.” Cost figures from Alabama’s Juvenile Justice Task Force 2017 final report.¹²⁸

Conclusion

A 2018 survey polling Alabama registered voters found that the majority of voters (51%) thought the most important reason for using a youth correctional facility was to “rehabilitate the juvenile so he or she might become a productive citizen,” while only 8% thought the best reason was “to punish the juvenile.”¹³¹ Unfortunately, the historic approach to youth justice in Alabama, even going back to the era of segregation, has taken the opposite view. Alabama’s youth legal system has imposed more harm than healing for generations of children.

There is a better way. The same Alabama voters from the 2018 poll also agreed that a child’s well-resourced community is a more effective place for kids to rehabilitate and mature from youthful behavior than carceral settings.¹³² In order for the state to make progress, decision-makers should heed the collective voice of Alabamians and cultivate productive spaces for children’s futures. Community, not youth prison, will always be the better place for a child to live their childhood.

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