



EXECUTIVE ORDER NO. 722

ESTABLISHING THE ALABAMA PRISON REPURPOSING COMMISSION

WHEREAS my administration recently announced the locations and developer teams selected for building three new, state-of-the-art male prisons;

WHEREAS these new prisons will enable the State to confine inmates more humanely, more safely, and more securely;

WHEREAS the new prisons' cutting-edge technology will improve safety for the men and women who bravely serve the State as correctional officers;

WHEREAS the new prisons will contain 37% more program space per inmate than existing facilities, allowing the State to more effectively rehabilitate the roughly 8,000 inmates who re-enter our society each year;

WHEREAS the new prisons will be procured without increasing taxes or incurring debt;

WHEREAS the State will be able to pay the estimated \$88 million annual price tag through increased efficiencies in the new prisons and through repurposing or decommissioning up to 11 of our existing male correctional facilities;

WHEREAS repurposing prisons will not be easy, but former prisons in other States have been converted into community service centers, youth program facilities, economic development sites, and industrial development parks;

WHEREAS seeking alternative uses for former prisons is the right thing to do for the communities that have so ably supported them over the years; and

WHEREAS the three-year timeline for building the new prisons affords the State time to conduct a repurposing process that is transparent, methodical, and inclusive of all interested parties, especially the affected local communities;

NOW, THEREFORE, I, Kay Ivey, Governor of the State of Alabama, by the authority vested in me by the Constitution and laws of the State of Alabama, do hereby establish the Alabama Prison Repurposing Commission (the "Commission"), effective immediately, as further set forth below:

1. **Purpose.** The Commission's purpose is:
 - a. to make comprehensive recommendations for the future of the State's existing male prison facilities; and
 - b. to give elected officials and members of the public a meaningful voice in producing those recommendations.
2. **Membership.** The members of the Commission, including one member who shall serve as Chair, shall be appointed by, and serve at the pleasure of, the Governor.
 - a. **Ethics pledge.** Each member shall sign a copy of the Ethics Pledge attached to this order.
 - b. **Security procedures.** Members of the Commission shall follow the Department of Corrections' (the "Department's") procedures for protecting and shall not disclose the Department's confidential security information and other protected information.
 - c. **Reimbursement.** Members of the Commission shall serve without compensation but may elect to receive from the Department the per diem and transportation allowance authorized by state law for persons traveling on official state business.
3. **Process.** The Commission shall conduct proceedings necessary to fulfill its purpose.
 - a. **Calling meetings.** The Commission shall assemble for an initial organizational meeting at the call of the Governor. Additional meetings shall be held at the call of the Chair.
 - b. **Sequence of meetings.** The Commission is encouraged, but not required, to conduct its proceedings as follows.

- i. **Repurposing-strategies research.** The Commission should first seek presentations from individuals who have been involved in other prison-repurposing efforts, whether inside or outside the State of Alabama, to identify best practices and “lessons learned” from those efforts.
- ii. **Facility assessment.** Upon completion of the research described in paragraph 3.b.i, the Commission should conduct an in-person review of each of the Department’s existing male prisons.
- iii. **Departmental briefings.** Upon completion of the facility assessment described in paragraph 3.b.ii, the Commission should receive briefings from the Department concerning its long-term plans and needs, including any facility or staffing needs assessments the Department has already undertaken.
- iv. **Stakeholder engagement.** Upon completion of the departmental briefings described in paragraph 3.b.iii, the Commission should conduct meetings with a broad array of interested stakeholders to evaluate the community impact of repurposing or decommissioning existing male prisons and to identify alternate uses of those prisons.
 - A. Interested stakeholders may include state agencies other than the Department, local elected officials, boards of education, vocational and technical training schools, community colleges, state universities, chambers of commerce, local industry groups, and local business leaders.
 - B. The Commission should hold at least one public meeting in a local community near each existing male prison.
- c. **Transparency.** Meetings of the Commission held under subparagraph 3.b.iv.B shall be appropriately publicized and open to the public. Other meetings of the Commission shall be open to the extent practicable but shall, in all events, be closed to the

extent necessary to protect information related to the Department's ongoing or anticipated security operations and other confidential information.

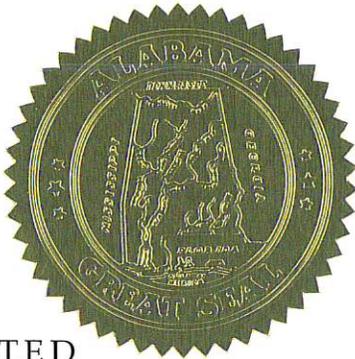
- d. **Departmental collaboration.** The Commission and the Department shall work collaboratively to ensure that the report required to be submitted under section 4 is consistent with the Department's long-term operational requirements, needs, and plans.
4. **Report.** Unless another date is approved in writing by the Governor, the Commission shall present a report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Commissioner of Corrections ("the Commissioner") on or before the later of September 1, 2023, or 90 days after the Commissioner certifies to the Commission that construction on the final prison is complete.
- a. **Systemwide infrastructure needs analysis.** The report shall contain an overview of the Department of Corrections' systemwide infrastructure needs based on the departmental briefings described in subparagraph 3.b.iii.
 - b. **Facility-specific use analysis.** For each existing male prison facility, the report shall contain a detailed analysis of its viability for continued use, including:
 - i. the location and accessibility of the facility, including its proximity to population centers to support staffing needs, as well as the nature of the facility and any associated state-owned property;
 - ii. the facility's current condition, including the estimated cost of repairs, deferred maintenance, and improvements necessary for continued use of the facility by the Department as a male prison;
 - iii. the estimated timeline required for completing any needed repairs and improvements; and

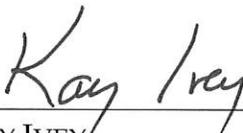
- iv. the reasonably foreseeable impact of repurposing or decommissioning the facility, including the local and regional impacts of any general economic gains or losses, losses to local businesses, revenue loss to local governmental or quasi-governmental entities, potential alternative revenue generation opportunities, and any departmental employee relocations.
- c. **Facility-specific recommendations.** Based on the systemwide infrastructure needs analysis described in subsection 4.a and the facility-specific use analysis described in subsection 4.b, the report shall contain a specific recommendation, evaluated in the following order, as to whether each existing male prison facility should:
 - i. remain in the Department's inventory for continued use as a male correctional facility;
 - ii. remain in the Department's inventory for use in furtherance of another departmental objective; or
 - iii. be repurposed to serve some other purpose, whether by another state agency, by local government, or by the private sector.
- d. **Repurposing Resources.** To the greatest extent practicable, the report shall contain ideas and resources to support the repurposing of facilities that the Commission recommends be repurposed under paragraph 4.c.iii.
- e. **Process.** The report shall contain a summary of the Commission's efforts to obtain input from a broad array of subject-matter experts and stakeholders—connected with the Department or otherwise—in the formulation of its analysis and recommendations.
- f. **Confidential information.** The report shall not include any information deemed by the Department to be sensitive security or confidential information pertaining to its ongoing or future operations or litigation.

5. **State-agency cooperation.** State agencies and other state-funded entities shall cooperate with the Commission and provide information requested by the Commission.
6. **Administrative support.** The Governor's Office and the Department shall provide administrative support to the Commission as appropriate.
7. **Duration.** Unless extended by the Governor in writing, the Commission shall be dissolved upon the submission of its report.
8. **Final recommendations.** Within 90 days of receiving the Commission's report, the Commissioner shall prepare final recommendations as to the future of each existing male prison facility.
 - a. **Recipients.** The Commissioner shall present the final recommendations to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.
 - b. **Contents.** For each existing male prison facility, the final recommendations shall include one of the three possible recommendations set forth in paragraph 4.c.i through paragraph 4.c.iii. The final recommendations shall also contain a statement by the Commissioner, with accompanying analysis as appropriate, that implementation of them will be in the best interests of the State of Alabama based on then-existing circumstances.
 - c. **Written justification.** To the extent these final recommendations deviate from the recommendations in the Commission's report, the Commissioner shall provide a detailed written justification based on the analysis required of the Commission under subsections 4.a and 4.b.
9. **Implementation of final recommendations.** Within 90 days of submitting the final recommendations as required by section 8, the Commissioner shall begin implementing them.
10. **Preservation of existing authority.** Nothing in this order shall be construed to impair or otherwise affect the authority granted by law to any executive department or agency, or the head thereof.

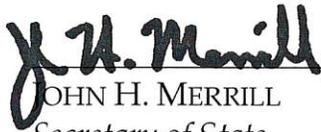
11. **No right of action.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Alabama, its departments, agencies, or entities, or any of their officers, employees, or agents, or any other person.

DONE AND ORDERED this 22nd day of September 2020.




KAY IVEY
Governor

ATTESTED


JOHN H. MERRILL
Secretary of State



EXECUTIVE ORDER NO. 7XX

THE ALABAMA PRISON
REPURPOSING COMMISSION

Ethics Pledge

As a member of the Alabama Prison Repurposing Commission, I will strive to pursue the Commission's purpose, keeping in mind the interests of the State of Alabama as a whole. I have no known conflicts of interest that would prevent me from performing my duties in this manner, and I have no intent to profit as a result of my service.

Signature

Printed Name

Date