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VIA ELECTRONIC MAIL

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Arizona Department of Corrections
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RE: COVID-19 AND VULNERABLE POPULATIONS INCARCERATED

Dear Directors of Arizona ICE ERO and Arizona DOC:

On behalf of Puentes Human Rights Movement and Advancement Project, National Office we demand urgent action for people inside Arizona jails, prisons, and immigration detention centers. In March 2020, we submitted a letter outlining community concerns and demands regarding the destructive spread of COVID-19 across Arizona's jails, prisons, and immigration detention centers. Our letter identified a chorus of medical experts and advocates who cautioned that incarceration places people at heightened risk of serious illness and death during the pandemic, a reality made even more alarming given that the criminal legal system ensnares the most vulnerable members of our community. We noted that policing and incarceration disproportionately targets Arizona's communities of color (namely its Brown, Latinx, Black, and Native communities), and that a sizeable portion of the incarcerated population is already over the age of 55.

We demanded that mass criminalization and incarceration be recognized as a public health crisis, and we warned that continued neglect would cruelly place incarcerated and detained people,

legal advocates, jail workers, and the broader public on the frontlines of this crisis. We urged that their protection warranted immediate emergency action. Now, nearly a year after we submitted our letter, we see that Arizona chose to abandon the people trapped within its carceral system. We therefore felt compelled to renew our demands for release and care.

Neglect and indifference permeate throughout Arizona's jails, prisons, and immigration detention centers. Since the beginning of the pandemic, there have been over 11,300 documented cases of COVID-19 and over thirty deaths in Arizona's prisons.¹ The lack of proper social distancing or sanitation spurred a 5000% increase of COVID-19 infections inside the Maricopa County jails in a period of just two weeks,² As early as July 2020, over one-fifth of the people detained in Maricopa County jails had tested positive for the coronavirus.³ And the people in Arizona's immigration detention centers have been devastated by COVID-19: in October 2020, the LaPalma Detention Center surpassed 400 cumulative cases of COVID-19, then the most cases in any ICE facility nationwide.⁴

Of course, it is not just incarcerated community members who are at heightened risk—staff working at these facilities are also rendered vulnerable to the pandemic. For example, in the summer of 2020, we learned that over 40% of the staff at Eloy Detention Center had tested positive for COVID-19.⁵ Abandoning the health of the people incarcerated and employed inside carceral facilities also abandons the safety of their family and broader community. Our letter, expressing concern for *everyone* impacted by the neglect evident inside Arizona's criminal legal system, noted examples across the country of officials taking steps to reduce the threat of the pandemic through release, decriminalization efforts, and the suspension of detention. Arizona's continued inaction and neglect flies in the face of medical expertise, community demands, and responses organized by other jail and prison officials nationwide.

It is clear that this neglect and inaction persists. During the pandemic, we at Puente Human Rights Movement, a longtime leader in the fight for migrant justice in Arizona, operated a

¹ ADCRR COVID-19 Dashboard, Ariz. Dep't of Corr. Rehab. & Reentry, <https://corrections.az.gov/adcr-covid-19-dashboard> (last visited Feb. 5, 2021).

² The number of detained people who had tested positive jumped from six at the beginning of the pandemic to 313 in only a span of two weeks. See Josh Kelety, *Maricopa County Jail Is No Place to Be in a Pandemic*, Phoenix New Times (July 9, 2020, 4:15 PM), <https://www.phoenixnewtimes.com/news/heres-what-its-like-to-get-covid-19-in-the-maricopa-county-jail-11479545>.

³ On July 8, 2020, the number of detained people who had tested positive in the Maricopa County jails surged to 939. *Id.*

⁴ Spencer Hardenbergh, *Detention center in Eloy has most COVID-19 cases of any ICE facility*, Tucson.com (Oct. 12, 2020), https://tucson.com/news/state-and-regional/detention-center-in-elyo-has-most-covid-19-cases-of-any-ice-facility/article_9fd3afae-95cb-5679-b21a-1216f18fe901.html.

⁵ Daniel Gonzalez, *Over 40% of staff at Eloy Detention Center have tested positive for COVID-19, operators say*, AZ Central (Jul. 9, 2020, 8:06 AM), <https://www.azcentral.com/story/news/politics/immigration/2020/07/08/40-elyo-detention-center-staff-tests-positive-covid-19-corecivic-reports/5393834002/>.

hotline to hear from concerned community members throughout the pandemic. The urgent pleas for help that we received were horrific.

Incarcerated people and their loved ones described terrible conditions and experiences, including the inability to access toilet paper, personal protective equipment, or even the most basic cleaning supplies during the first six weeks of the pandemic. Other calls reported that incarcerated people were surviving without running water for up to six days at a time. Some people described oppressive lockdowns without sanitation or cleaning. Others reported that those who tested positive for COVID-19 were unable to receive medical treatment and were not properly quarantined from the general population. There were many reports of guards not wearing face masks, failing to social distance, refusing to change gloves or use hand sanitizer, or ignoring the urgent pleas of medically vulnerable people. Some reports even stated that people detained at the Fourth Avenue Jail were provided rotten food multiple times a day, and these calls described the conditions at the Jail as “a cesspool for sickness.”

Nearly everyone who called expressed fear for their lives, or fear for the life of a loved one trapped inside an Arizona cage. They all felt there was little to nothing they could do to change these horrific circumstances. The ability to choose protection and care over punishment and neglect during a global pandemic is, however, within your control.

The harm inflicted on incarcerated communities is all the more alarming given all that we have uncovered about Arizona’s supplemental funding and knowledge. For example, in June 2020, we had to file a public records request to learn that Arizona Department of Corrections, Rehabilitation and Reentry (ADOCRR) received supplemental COVID-19 funding totaling over \$2.38 million to prevent the spread of the pandemic. Despite the addition of millions of dollars to its budget, ADOCRR continued to fail to protect the people incarcerated in its prisons. Moreover, we learned that a memo released by ADOCRR Director David Shinn reveals that ADOCRR staff had knowledge of the steps necessary to protect the health of the people held inside. However, the lived experiences of incarcerated people demonstrate ADOCRR’s failures to comply with even its own internal guidelines.

We at Puente Human Rights Movement have tried multiple avenues to raise these alarms. We sent a demand letter outlining our concerns. We organized multiple demonstrations to amplify the experiences of our community. We helped file federal litigation that challenged the neglect and indifference evident in the Maricopa County jails. We at Advancement Project National Office led federal litigation nationwide to hold similar sheriff’s offices and municipalities accountable for their inaction. All these attempts to protect the people of Arizona have been ignored.

Despite the many cries for help over the past year, we see that Arizona has chosen to abandon the people trapped within its carceral system. The pandemic persists, as do the harms inflicted by Arizona Immigration & Customs Enforcement, Enforcement & Removal Operations (ICE ERO), the ADOCRR, as well as sheriff’s offices and police departments across the state. Given the

continued inaction and neglect throughout Arizona's carceral system, we demand transparency and accountability for the failures outlined above, and we renew the demands identified in our letter nearly one year ago.

Continued incarceration has been, and will remain, a death sentence. To protect our most vulnerable community members, we demand that the State of Arizona release or provide adequate treatment and protections for people in cages:

1. ADOCRR's full compliance with CDC guidelines in regards to the COVID-19 pandemic, the *Parsons*' settlement agreements for care, and the United Nations Standard Minimum Rules for the Treatment of Prisoners.
2. Release all people who are caged inside Arizona jails and prisons and ICE immigration detention centers who have been harmed, abused, or suffered neglect in the hands of ADOCRR, ICE, and local jail facilities.
3. Release all prisoners who are awaiting trial, who are held due to unpaid fines/fees, those who are imprisoned on drug possession and minor property crimes, and those who are due for release in the next 24 months.
4. Release all people who are incarcerated who have preexisting conditions that put them at greater risk of death from COVID-19.
5. End the use of solitary confinement as a method to quarantine COVID-positive people.
6. Ensure that all COVID-positive people have access to safe, adequate medical care by healthcare professionals, and transfer serious cases to outside hospitals.
7. Provide three meals daily of healthy, nutritious, fresh fruit and vegetables to people in all jails, prisons, and detention centers.
8. Provide humane, adequate, and hygienic medical care to all people who are incarcerated.
9. Federal investigation on conditions of confinement and oversight in ADOCRR & ICE detention centers.
10. End all ICE detention contracts with private prisons and detention centers that have a history of abuse, medical neglect, and poor standards.
11. Fire ADOC Director David Shinn & ICE Field Director Jesse Williams for their ongoing negligence and failure to act to protect people in cages in the face of COVID-19.
12. Investigate Governor Doug Ducey and his investments collaboration and partnerships with prison investors & companies.
13. Transparency in budget spending for state and private prisons.
14. Designate detained and incarcerated people as priority groups to receive COVID-19 vaccinations.

15. For the legislature to create an oversight board over ADOCRR and ICE Detention Centers comprised of public health experts, families of directly impacted community members, and social service providers.

We understand that immediately implementing these changes is necessary to protect the health and wellbeing of Arizona's entire community. Please do not hesitate to contact us with any questions or concerns. Please direct your questions or concerns to LJimenez@advancementproject.org and Jovana@puenteaz.org or (202) 728-9557. Thank you for your time and attention to this matter.

Sincerely,

/s/ Losmin Jimenez

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