This report is dedicated to all the people sitting behind Arizona’s deadliest walls, and those who died in detention due to COVID-19. We continue to fight for the safety and human rights of all people in cages. A sentence should not be a death sentence.
Puente would like to give a special thanks to the research team who helped make this report possible.

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ABOUT PUENTE HUMAN RIGHTS MOVEMENT
Puente Human Rights Movement (Puente) was founded in Arizona in 2007 in response to abuses of power by local law enforcement officials and anti-immigrant attacks initiated through state laws and policies. For over ten years, Puente has led the fight against local and federal anti-immigrant policies while building a political home for Arizona's most marginalized communities. Our membership and leadership has always been made up of those who are most impacted by adverse policies, laws, and police/ICE joint tactics. Our membership consists of undocumented people, mixed-status families, youth, people directly affected by the criminal punishment system, and people of color affected by rampant racial profiling. Since its founding, Puente has transitioned into a broad multi-generational movement for human rights. For more information on how to get involved with us, please visit our website: www.puenteaz.org.
Language has historically been used to oppress and devalue communities of color, and to erase identity and history. We know that when those communities are given space to use their own words and understandings, language can be empowering. We have made the decision to define key words and phrases that we feel best represent our community and political convictions.

**Cages:** Many of our comrades and community members who are incarcerated throughout Arizona’s criminal punishment system have described their cells as “cages” to more accurately capture the dehumanizing and abusive conditions of their incarceration. We follow their lead and use the term “cages” to describe incarceration in all its forms.

**Criminal punishment system:** There is no justice in a system intended to punish and oppress the most marginalized members of our communities. Instead of the often-used phrase “criminal justice system,” we choose to use the more accurate phrase “criminal punishment system.”

**People who are trapped/held/incarcerated:** We do not use the terms “inmate,” “criminal,” “felon,” or “detainee” for people who are inside jails, prisons, or immigration detention centers. Those words are intended to erase the humanity of the people they describe. We instead use the more accurate language of people who are trapped, held, or incarcerated in Arizona’s cages.

**Migrant:** Instead of immigrant, we use the word migrant throughout this report. As defined by the United Nations High Commission for Refugees (UNHCR), “migrants choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunification, or other reasons. We chose to use “migrant” instead of “immigrant” in order to incorporate the human right to migrate in this report, but we push back against the UNHCR definition which states that migrants can “safely return home.”
In the midst of an unprecedented global pandemic, our federal and local governments are ignoring the communities most at risk of serious illness and death. Over 62,000 people have been abandoned to suffer in Arizona's jails, prisons, and immigration detention centers where COVID-19 has run rampant. In partnership with directly impacted people and their families, our organization—Puente Human Rights Movement—has tracked and monitored the spread of the coronavirus disease, as well as the lack of protections given to those incarcerated inside Arizona's carceral facilities. This report exposes the human costs of confinement and human rights abuses inside Arizona's cages during the COVID-19 pandemic. Incarcerated people and their families reached out to Puente throughout the pandemic to report the horrific conditions of their confinement.

Our hotline received over 400 calls during the first nine months of the pandemic and continues to receive calls every single day. People shared that they had no running water, soap, toilet paper, nor cleaning supplies. They were unable to social distance while trapped within overcrowded facilities. Infestations of cockroaches crawled on them while they slept. During oppressive hot summer months, air conditioners remained broken or unavailable.

We watched in horror as the COVID numbers continued to rise inside these cages: a rising number of infections, as well as a rising tally of avoidable deaths. This report focuses on the cages operated by the Arizona Department of Corrections, Rehabilitation and Reentry (state prisons), the Maricopa County Sheriff's Office (Maricopa County jails), and U.S. Immigration and Customs Enforcement (immigration detention centers).

It is important to note that all three co-exist, and are inextricably entwined, within the same carceral system that consistently neglects and abuses the people trapped inside. Arizona has long faced an incarceration and criminalization crisis—it currently has the fourth highest incarceration rate in the nation and the third highest for immigrant detention. The dehumanization suffered by people incarcerated throughout Arizona has only heightened during this pandemic. We urge you to bear witness to the suffering in Arizona's cages and the human cost of this incarceration. We ask that you carry these stories with you. We hope that you join us in fighting for a liberated world without cages.

Onward,

Jovana Renteria
Co-Director Puente Human Rights Movement

1 https://www.prisonpolicy.org/profiles/AZ.html
During the COVID-19 pandemic, Puente observed Arizona state and county responses that neglected or ignored the needs of our community members locked in cages. Politicians developed plans to “flatten the curve” without considering how to protect people who are incarcerated, a population that health experts agree is among those most at risk of the virus and in need of care.

There was therefore a critical need to move Arizona Governor Ducey, ADOCRR Director David Shinn, ICE Field Director Jesse Williams, and Maricopa County Sheriff Paul Penzone to honor their responsibilities, take humane action, and protect all people inside their jails, prisons and detention centers. As a result, Puente launched its #AZFreeThemAll Campaign to demand the release, liberation, and care of all people in Arizona’s cages.
ALL PEOPLE HAVE HUMAN RIGHTS! *What Rights do People Have on the Inside?*

Whether you have been charged or detained, by law you are in the care of the state of Arizona and the agency or cage you are in. Those who have mixed status or no status end up in the care of ICE. It is their responsibility to ensure you are safe, protected, and provided with adequate medical care while in detention. The United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Nelson Mandela Rules) includes clean, sanitary conditions of confinement, access to timely and adequate medical care, and access to clean water and nutritious food. The Nelson Mandela Rules include but are not limited to:

- The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.
- Every prison shall have in place a health-care service tasked with evaluating, promoting, protecting and improving the physical and mental health of prisoners, paying particular attention to prisoners with special health-care needs or with health issues that hamper their rehabilitation.
- The health-care service shall consist of an interdisciplinary team with sufficient qualified personnel acting in full clinical independence and shall encompass sufficient expertise in psychology and psychiatry. The services of a qualified dentist shall be available to every prisoner.
- The health-care service shall prepare and maintain accurate, up-to-date and confidential individual medical files on all prisoners, and all prisoners should be granted access to their files upon request. A prisoner may appoint a third party to access his or her medical file.
- All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.
- Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff.

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In 2016, Arizona spent more than $1.2 Billion of its general fund on corrections, accounting for more than 10% of the state general expenditures.
The human cost of incarceration is surging in the state prisons operated by the Arizona Department of Corrections, Rehabilitation and Reentry (ADOCRR). The ADOCRR leads as the state's deadliest cage. As of January 25, 2021, since the beginning of the outbreak there have been at least 9,108 cases of COVID-19 and 30 deaths in all twelve of ADOCRR's prisons.

Tucson State Prison (TSP), one of ADOCRR's twelve prisons, has been Arizona's most dangerous and deadliest prison during the COVID-19 outbreak. In a prison that incarcerates approximately 4,900 people, there were over 1,500 positive cases of the novel coronavirus in the TSP. Certain units were especially hard-hit: in August 2020, over 90% of the people trapped in the Whetstone Unit tested positive. The community spread peaked within a week of the first confirmed case of the virus inside the unit. According to ADOCRR's own data, there have already been eleven confirmed COVID-19 related deaths at TSP, with another four deaths from the virus awaiting confirmation.

Florence Prison, a male prison facility that incarcerates over 2,700 people, is another dangerous and deadly COVID-19 site. Since March of 2020, Florence Prison has confirmed over 326 positive cases inside. According to the Arizona Department of Corrections, Rehabilitation and Reentry website there have been eight confirmed COVID-19 related deaths at Florence Prison, with another possible eight deaths which have yet to be confirmed.

Our community's urgent pleas for help made to our crisis hotline during the pandemic were horrific. Incarcerated people and their loved ones described terrible conditions and experiences, including the inability to access basic cleaning supplies, toilet paper, or personal protective equipment during the first six weeks of the pandemic. Other calls reported that incarcerated people were forced to survive without running water for up to six days at a time. Some people described oppressive lockdowns by prison officials without sanitation or cleaning. Others reported prison officials moving those who tested positive for COVID-19 into the same cells without providing medical treatment, while other prisons created entire units to house all individuals who tested positive for the virus. Everyone who called our hotline expressed fear for their lives, or fear for the life of a loved one trapped inside an ADOCRR cage. They all felt there was little to nothing they could do to change these horrific circumstances.

Information uncovered since the beginning of the pandemic demonstrates that ADOCRR understood the steps it needed to take to properly care for people who are held in cages, and that it received supplemental funding to do so—making its failures during the pandemic all the more troubling. In March of 2020, ADOCRR Director David Shinn released a memo to the entire ADOCRR prison staff with information regarding COVID-19 relief funding and measures needed to prevent the spread of COVID-19.

This memo reveals that Shinn and ADOCRR staff officials had knowledge of the measures and steps necessary to protect the health of everyone inside the prisons—for example, the memo instructed staff to properly clean all common areas and ensure the ready availability of soap, paper towels and cleaning supplies for incarcerated people. However, the lived experiences of the people held in these prisons demonstrate ADOCRR’s failures to comply with even its own internal guidelines. So many people reached out to us to report their cells or units were without toilet paper, basic cleaning supplies, and personal protective equipment during the height of the pandemic. ADOCRR has not publicly reported the amount of supplemental funding that it received for its COVID-19 response.

Accordingly, Puente and the Advancement Project submitted a public records request to the ADOCRR to identify funding allocated to prevent the spread of the virus inside ADOCRR’s 12 prisons. The information obtained via the FOIA reported that ADOCRR was allocated a total of $2,380,626 for Coronavirus Emergency Supplemental Funding. This funding was set to be implemented in May 2020 and last through January 2022. According to information provided from our FOIA request, a majority of the funds were allocated for ADOCRR staff overtime and only $882,194 was allocated for supplies and medical equipment. Despite a memo with clear, rudimentary guidelines for protecting people from COVID-19 as well as a grant award from the U.S. Department of Justice to offset COVID-19 costs, Arizona state prisons nonetheless remained the state’s most dangerous and deadly sites.
ADOCR: A LEGACY OF HUMAN RIGHTS ABUSES AND MEDICAL NEGLECT

ADOCR’s failures during the pandemic should not come as a surprise. Despite almost a decade of federal litigation about the unconstitutional conditions inside its prisons, ADOCR leadership and staff have failed to comply with even the most basic standards of treatment of the 42,000 people in its care. These failures were readily apparent well before the arrival of the COVID-19 pandemic.

For more than five decades, the ADOCR has operated under a culture of intense neglect, constant litigation over inadequate health care, and irregularities in spending that have resulted in the loss of multiple lives each year. The ADOCR’s current budget is set at $1.2 billion with no oversight from the public on how this money is spent. On September 12, 2019, the former director of the ADOCR, Charles Ryan, stepped down following years of controversy.

In 2012, the ACLU of Arizona filed a lawsuit, *Parsons v. Ryan*, challenging the unconstitutional conditions and medical neglect that resulted in the wrongful injury and death of many people trapped inside ADOCR’s ten public prisons. In 2015, federal court approved a class action settlement on behalf of over 33,000 prisoners in ADOCR care. The settlement in the Parsons v. Ryan lawsuit required the ADOCR to meet the most basic standards of care, such as providing medical care to people with a history of chronic conditions, limiting the use of force and pepper spray against incarcerated people, and limiting the use of solitary confinement for people experiencing mental health conditions. This settlement would not have eliminated the human rights abuses running rampant in Arizona’s prisons and offered only minimal changes in conditions to inch closer to adequate care. However, in June of 2018, the courts found that “wide-spread and systematic failures remain” and held Arizona prison officials in contempt, then imposing fines of more than $1.4 million against the Arizona Department of Corrections, Rehabilitation and Reentry.

The ADOCR failed, and continues to fail, in complying with even the most basic standards of care demanded by a federal court. A contagious virus like COVID-19 in an already deadly prison run by non-complying leadership would only result in more adverse health effects and wrongful death due to inadequate conditions and care.
The Maricopa County Sheriff’s office has a long history of abuse and neglect. The former Sheriff Joe Arpaio opened and operated the outdoor jail known as “Tent City,” where people who were held were subjected to dangerous temperatures upwards of 130 degrees Fahrenheit for days on end. While Tent City is now closed and Sheriff Arpaio has been replaced by Democrat Paul Penzone (in 2016), the pattern of neglect and abuse has continued.

The global COVID-19 pandemic has served to underscore the abhorrent conditions in Maricopa County Jails. The Sheriff’s office has so far failed to properly care for people held in jails as the virus spreads rampantly. Jail staff and those who manage the facilities have failed to test and screen new and current people held in jails for the virus, failed to provide necessary personal protective equipment, and failed to enable proper social distancing protocols and sanitation measures within the jails.
Currently, there are five separate jails under the supervision of the Maricopa County Sheriff’s Office. These include: the high security Fourth Avenue Jail located in Central Phoenix, the all-female Estrella Jail in South Phoenix, the medium and maximum security Lower Buckeye Jail, the all-male minimum to medium-security Towers Jail, and the new Intake Transfer Release facility known as the Saguaro Jail.

According to the data provided by the Maricopa County Sheriff’s Office website, the respective capacity of each jail are the following:

<table>
<thead>
<tr>
<th>Jail</th>
<th>Total Capacity (as of February 2, 2021)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fourth Avenue Jail</td>
<td>3,216 people</td>
</tr>
<tr>
<td>Estrella Jail</td>
<td>1,503 people</td>
</tr>
<tr>
<td>Lower Buckeye Jail</td>
<td>2,427 people</td>
</tr>
<tr>
<td>Towers Jail</td>
<td>720 people</td>
</tr>
<tr>
<td>Saguaro Jail</td>
<td>512 people</td>
</tr>
</tbody>
</table>
When the novel coronavirus pandemic hit the United States, it quickly spread to the country’s overpopulated jails and prisons. In Maricopa County, jails are the first stop in the prison and crimmigration pipeline.

Most individuals who are arrested and detained in Arizona are transferred and booked in Fourth Avenue jail, regardless of the city where the arrest occurred. The frequent moving and transporting of individuals without proper social distancing and sanitation mandates spurred a 1000% increase of COVID-19 infections inside Fourth Avenue Jail and all other MCSO jails.

Our Puente crisis hotline has received over 400 calls from individuals inside. Community members called on behalf of their loved ones inside Fourth Avenue Jail and reported their loved ones being exposed to the following conditions: no access to cleaning supplies; clogged toilets and drinking fountains; no practice of social distancing; no PPE or masks provided. Several calls from the inside reported that the Fourth Avenue jail population was being given rotten food 1-2 times a day, and that the state of cells looked like “a cesspool for sickness.”
Our crisis hotline also received reports from people on the inside of MCSO jails who reported sharing cells with other individuals who tested positive for COVID-19. Multiple individuals shared deep concern for their safety and health due to pre-existing health conditions such as high blood pressure, heart disease, diabetes and kidney issues. Other callers exposed neglectful actions undertaken by MCSO staff that risked the population to illness; we received reports of booking officers not wearing face masks or not social distancing, and staff not changing gloves or not using hand sanitizer after touching or treating incarcerated people.

One incarcerated individual shared being exposed to COVID-19 three times during his detention at Fourth Avenue Jail. Another reported having adverse heart conditions and still being forced to share a cell with two people who tested positive for COVID-19. Moreover, all of the people we heard from who were locked in the cages at Fourth Avenue Jail reported having shared their health histories with MCSO staff and having their health requests ignored despite the adverse consequences.
Litigation against MCSO during COVID-19: In June 2020, Puente and the ACLU of Arizona filed a lawsuit against Sheriff Paul Penzone and the Maricopa County Sheriff's Office seeking the release of medically vulnerable people from county jails. The lawsuit was filed on behalf of the medically vulnerable people currently detained in the Maricopa County Jail System who live with serious medical conditions like diabetes, high blood pressure, and lung disease. This lawsuit pushed for compliance from MCSO Sheriff's Office and required the department to update its COVID-19 jail policies to comply with CDC guidelines and for jails to take additional measures including universal testing to track, contain, and prevent the spread of COVID-19.
Hunger Strikes at Estrella Jail: In July 2020, 57 women inside the MCSO Estrella Jail went on a hunger strike to protest the medical neglect, unfair punishments, and the lack of resources available to stop the spread of COVID-19. Families of the women held in cages reported that prison officials were using solitary confinement to isolate those who tested positive for COVID-19 -- increasing stress levels and health risks associated with the virus-- and were refusing to provide adequate safety precautions to stall the spread.

Lawyers representing people locked inside Maricopa County jails, along with Puente, had already filed a lawsuit against Maricopa County in June 2020 for the treatment of people incarcerated during the pandemic. The lawsuit asked the court to release the most vulnerable people from cages and force the county to take the actions necessary to slow the spread of COVID-19, such as testing all people held in their cages.

When the strike at Estrella Jail began, at least 24 of the striking women locked inside Estrella's cages had already contracted COVID-19, and at least 35 women within the whole facility had already contracted the virus. The women on strike had 10 demands. Their first demand was for home confinement to be allowed, or novelty bonds for those who qualify. Next, they called for access to better cleaning supplies, vitamins to improve immune health, daily check ups from nurses, and regular monitoring of health conditions by local health officials. Due to the persistent flux within the jail, they also demanded access to better conditions like showers and personal hygiene products after being quarantined, consistent sanitization of transportation vehicles, sanitization of handcuffs after each and every use, and for the same rotation of officers in specific dorms to minimize exposure. They called on the jail to provide better education for people inside cages about COVID-19, and lastly, they demanded the ability to attend court dates either in-person, by video, and/or by telephone due to the courts being suspended and impeding their constitutional right to a speedy trial.

The unrestrained spread of COVID-19 has not only been an issue within the Estrella Jail, but a consistent trend throughout Maricopa County jails. In July, 1,080 people out of a population of 4,597 within the Maricopa County Jail system had tested positive for the virus. Without direct actions to mitigate the spread of COVID-19 in jails, these trends are likely to continue.

"We started refusing the food because we wanted to get tested," Antrum Ames—who was incarcerated at one of MCSO's jails—told the Arizona Republic in mid July.4 "We weren't getting answers."

People do not belong in cages. We do not have the right to decide who lives and who dies.
The harm and abuses inflicted by the Maricopa County Sheriff’s Office extend beyond the jails that it operates. In the summer of 2020, following the police murders of George Floyd and Dion Johnson, hundreds of Arizona residents hit the streets to stand up and march for Black lives. The protests continued daily. The Phoenix Police Department responded with brutal force and chemical weapons, and protestors who were arrested faced felony charges of rioting and resisting arrest. During a public health crisis, when policing and incarceration are known to place people at an unreasonable risk of transmission and infection, both the Phoenix Police Department and the MCSO continued its practices of harassing, arresting, and caging protestors. The police chose to use chemical weapons known to irritate people’s respiratory systems during a global respiratory virus pandemic. The criminalization and intimidation of protestors was a deliberate tactic used to suppress public dissent during a crucial fight for racial justice in our country.
The collaboration between policing agencies and ICE continues to serve as a deportation pipeline for people without citizenship. Tragically, four DACA recipients were swept up in these mass arrests. All four students were caught up in deportation proceedings due to the egregious felony charges implemented by Phoenix Police Department and the Maricopa Sheriff's Office collaboration tactics with ICE. Two individuals with DACA status attended a Black Lives Matter rally as peaceful protestors. One attended as a legal observer, and another individual was simply out in Downtown Phoenix eating dinner. All four individuals were detained by the PPD and given ICE holds; their DACA status was at risk of being revoked with the possibility of deportation due to the continuation of police and ICE collaboration -- all for participating in or being present nearby a peaceful protest.

One of these DACA recipients, Maxima Guerrero, a member of Puente, was wrongfully arrested and charged outside of her car after attending the rally as a legal observer. Ray Ybarra Maldonando, Maxima's immigration attorney stated, “They stopped the vehicle, pulled her out and arrested her.” Maxima was charged with one count of rioting (a class 5 felony) and given an ICE hold in MCSO Fourth Avenue Jail. Maxima and the other two DACA recipients arrested were also given an ICE hold but were released to fight their case outside of detention. One of the individuals arrested in May 2020, Jesus Manuel Orona Prieto, was arrested during the Phoenix Police Department's mass arrests without ever having been part of the protests; Orona Prieto was out eating dinner with his girlfriend when he was arrested and also charged with rioting, a charge that was never dropped by the PPD. While outside of the ICE office in Phoenix, Ybarra Maldonado stated that Orona Prieto “wasn’t even at the protest, but what was wrong with him? His skin was brown, and because his skin was brown and he was in the area where a protest was happening, he was pulled over, pulled out of his car and given felony charges.” Orona Prieto continues to be detained in Eloy Detention Center and is facing deportation proceedings.
Arizona ranks third nationwide for the most confirmed COVID-19 cases in immigrant detention centers. The state of Arizona has seven detention centers: Eloy Detention Center, Central Arizona Correctional Center, Florence Correctional Center, Florence Service Processing Center (SPC), Federal Corrections Institute (FCI) Phoenix, La Palma Correctional Center, and Pinal County Jail. Jesse Williams became the new ICE Field Director for Arizona in March of 2020. Williams has not released any information or memos on what actions his office and officials would take to flatten the curve inside detention centers. ICE officials do not publicly release the weekly numbers of tests given, the number of confirmed cases or the number of COVID-19 related deaths.

..but what was wrong with him? His skin was brown, and because his skin was brown and he was in the area where a protest was happening, he was pulled over, pulled out of his car and given felony charges.”

Orona Prieto continues to be detained in Eloy Detention Center and is facing deportation proceedings.
Our crisis line received reports of people who were detained by ICE being denied bond due to COVID-19. Other reports informed us about ICE personnel not practicing social distancing, detention camp staff failing to wear PPE, and a lack of access to sanitary items along with a failure to increase personal hygiene supplies when the pandemic began. Throughout the pandemic, migrants continued to be transported from jails to detention centers and were frequently moved during deportation processes. Despite a surge in COVID-19 cases nationally and statewide, ICE continued to arrest and deport individuals.

**La Palma Detention Center:** The La Palma Detention Center is an all-male private detention center managed by the for-profit company CoreCivic. At capacity, the facility can hold up to 3,060 people trapped in cages. In October, La Palma took the record for the most COVID-19 cases in any ICE facility, surpassing 400 cumulative cases. The first case occurred on April 6, 2020, and by late-May there were already over 70 cases. Over half of the facility’s staff also tested positive for the virus; one staff member quit, stating that the failure of CoreCivic to control the virus led to its rapid spread within the facility and into the surrounding community. CoreCivic’s negligence was the cause of one senior staff member’s death from COVID-19 in June 2020.

**Eloy Detention Center:** The Eloy Detention Center is also run by the for-profit prison company CoreCivic, and holds all genders of asylum seekers and people who face deportation for civil immigration infractions. CoreCivic—which was first known as Corrections Corporation of America (CCA), before changing names in 2016 to expand its operations to construct new facilities—has been receiving allegations of abuse for several decades. The COVID-19 pandemic has only exacerbated pre-existing issues of medical neglect, abuse, and human rights violations.

The Eloy Detention Center holds 1,596 people at capacity, and has faced persistent outbreaks of COVID-19 since the start of the pandemic. As of November 2020, there were 254 active COVID-19 cases in the Eloy facility. Persistent suppression of case numbers by CoreCivic has made it difficult for families of people held inside and legal observers to determine the safety of the facility. In June 2020, internal company emails released by the Arizona Republic provided evidence that the company had 270 active cases, a number dozens of cases higher than reported by ICE. During that same period, 41 percent of the staff at Eloy had tested positive for COVID-19.
On March 21, 2020, then-President Trump used Title 42 of the U.S. Code, section 265, a public health code, to close the border to migrants due to COVID-19 under a Centers for Disease Control (CDC) order⁵. The Title 42 CDC Order allows U.S. Customs and Border Patrol (CBP) to arrest and expel migrants at international borders and checkpoints. Only U.S. citizens and green card holders are exempt from Title 42. Notably, the CDC Order did not provide an exception for unaccompanied minors, a group whom the Government has affirmative duties to provide humanitarian protections for under the Trafficking Victims Protection Reauthorization Act⁶. It is important to highlight that under Title 42, CBP does not create a “Notice to Appear” (the charging document when immigration enforcement arrests a non-citizen) and CBP does not provide an Alien Number to the individual. An Alien Number is a unique number assigned to a non-citizen in immigration proceedings and is a way to track where someone is located and what number one would put on an application for relief. Without an Alien Number there is no way to track people who are in this shadow system.

The end result is a shadow system that disappears people and throws them away without regard for their lives or the dangers they will face upon expulsion. Moreover, under a Title 42 Expulsion, CBP does not ask people who are apprehended if they are in fear of returning to their country of origin, violating principles of international humanitarian law. The Title 42 shadow system relies on the person being apprehended to say that they fear they will be tortured if returned to their home country; if that happens, then CBP is required to place the individual in Title 8 proceedings (regular immigration deportation proceedings). For Fiscal Year 2021, there were 183,552 people expelled under Title 42 at the southern and northern border of the U.S.⁷

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Misuse of Title 42 for an multi-agency raid in the US Interior: On Wednesday, September 16, 2020 Department of Homeland Security (DHS), Customs and Border Patrol (CBP), Drug Enforcement Administration (DEA), Phoenix Police Department (PPD) and City of Phoenix Public Transit collaborated together to abduct 65 migrants during an undercover DEA operation in Phoenix, Arizona. This operation was reported to be a drug investigation where there were also reports of a possible drop house with migrants present. Customs and Border Patrol arrested and detained 65 migrants with the use of the Title 42 policy. All migrants arrested, including women and unaccompanied minors, were arrested and charged with DHS Title 42 Expulsions and expelled. Some were expelled that same day, some were expelled within two days. Most recently, on the evening January 29, 2021, Puente was contacted about a raid in Phoenix. Puente staff went to the site of the raid to document what was happening and to provide pro bono services to those impacted by the raid. Puente staff observed Phoenix Police Department, DHS, and ICE on the scene. They learned that 60 people were apprehended at a drop house in Phoenix and taken to Eloy to be processed under Title 42. One of the 60 people includes a woman who has cancer and currently detained at Eloy. At the time of the writing of this report, Puente staff are still investigating the whereabouts of the people arrested in this raid in this latest misuse of Title 42 in the interior and hope to provide pro bono legal services.

Federal immigration policies like Title 42 have been wrongfully utilized to remove the limited judicial protections immigrants have if they face arrest and deportation proceedings. This misuse of immigration enforcement policy serves as an example of the kind of abuses that can occur in other states and cities across the United States. Moreover, this operation serves as a point of reference on the dangers of continued police, ICE and CBP collaboration during a period of time in which the rights and liberties of immigrants were continually violated under an anti-migrant administration.
VIOLATIONS TO CIVIL RIGHTS & DUE PROCESS: The COVID-19 pandemic has affected the right to due process for people held inside Maricopa County Jails, Arizona Department of Corrections, Rehabilitation and Reentry facilities, and federal immigration detention centers. People held inside Arizona's cages have been restricted from having regular contact with lawyers, accessing case and bond hearings, and from fighting deportation cases eligible for bond outside of detention.

The Arizona Department of Corrections, Rehabilitation and Reentry has a total of ten thousand people inside cages who are eligible for parole in 2020. ADOCRR has changed the dates of or all together cancelled parole hearings and court dates for these individuals on the guise of public health. At the same time, immigration detention centers have denied eligible migrants the right to bond hearings and the right to fight their cases outside of detention centers due to “risk of exposure” in the public domain.

HUMAN RIGHTS VIOLATIONS: The United States has signed and ratified multiple United Nations treaties in order to prevent the abuse of human rights at home and abroad. In 1948, the U.S. signed the Universal Declaration of Human Rights (UDHR), agreeing to a global standard for human rights. These rights are inherent to all individuals from birth regardless of race, gender, and citizenship. The behavior of ADOC, MCSCO and ICE detention centers during the pandemic are not only in violation of our own constitution, but also in violation of the treaties we joined to uphold and defend basic human rights. These treaties apply to not only the federal government but individual states, including Arizona. By joining these treaties, the U.S. not only acknowledges human rights, but has pledged to defend these rights against injustice.

Article 25 of the Universal Declaration of Human Rights (UDHR) ensures that everyone has the right to health and adequate medical care. In 1994, the U.S. ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CATT), strengthening our commitment to defending human rights. By joining this covenant, the U.S. agreed to fight against torture and inhumane punishments, as stated in the our own Constitution's 8th amendment. The inhumane conduct of isolating those who test positive in solitary confinement is a violation of not only the 8th amendment of the Constitution, but also of the CATT.

10 https://constitution.congress.gov/constitution/amendment-8/4-text-Excessive%20bail%20shall%20not%20be%20cruel%20and%20unusual%20punishments%20i

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While the U.S. signed these treaties, it is the responsibility of its citizens to hold their government accountable and protect each individual’s right to dignity and equality. International treaties make us accountable not only to ourselves but to other sovereign nations. Arizona institutions must be held accountable for their human rights violations, not only on the local level but also by our international allies. The conditions inside of these jails, prisons, and detention camps are egregious, abusive, and violate the UN UDHR and CATT human rights laws and treaties.
Governor Doug Ducey has failed the state in preventing the spread of COVID-19, making Arizona the region with the highest COVID-19 rates in the entire world. MCSO Sheriff Penzone and ICE Field Director Jesse Williams fail to disclose COVID-19 information and fail to provide a public record of funding allocated to keep those in their cages safe from the pandemic. Failure to provide data on COVID-19 cases, current occupancy, tests given, and even deaths on the inside, leave no opportunity for non-governmental organizations and community organizations to advocate for the lives of the people trapped inside.

Our report found that the state of Arizona continues to arrest, cage, and deport Arizona residents despite a global pandemic. Moreover, our research has found countless violations to the civil rights and human rights of people who are incarcerated, including but certainly not limited to their right to a fair and speedy trial. Arizona Department of Corrections, Rehabilitation and Reentry prisons are some of the highest COVID-19 infested sites in the nation, and the infection and death rates continue to rise every week. ADCRR Director David Shinn failed to adequately disperse COVID-19 funds to prisons and jails to prevent the spread of the virus and prevent deaths; he instead chose to hire and fund more staff—staff who proved negligent in following adequate COVID-19 precautions and protocol.

Arizona’s Governor Doug Ducey and the directors of Arizona’s jails, prisons, and detention camps have once again shown that they value the profit of caging people over those people’s humanity, dignity, and lives; they prioritize filling cages over providing adequate care. Evidence from this report highlights key human rights abuses, the failure to provide care, and countless wrongdoings that have occurred inside Arizona’s cages. Puente believes that due to ADCORR’s long history of medical neglect, the architecture of the prisons, jails, and detention camps, historically high numbers of people locked in cages at these facilities, and the state’s ongoing failure to comply despite federal court orders to due so, there is no course of action remaining except to release people from Arizona’s cages.
**OUR RECOMMENDATIONS**

Since Arizona’s leadership and ADOCRR staff have continually failed to take adequate measures to stop the spread of COVID-19 inside its jails, prisons, and detention centers, our recommendation is to release the people inside in order to prevent additional illness and death.

The state must comply with regulations, court rulings, and human rights treaties, or release the people in its care.

**We Demand the State of Arizona Comply with Adequate Treatment of People in Cages or Release Them:**

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 & Jessie 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.
Sources


Link for “reported” COVID-19 cases in MC Jails: https://www.maricopa.gov/5574/COVID-19-in-County-Jails

Parsons v. Ryan: https://www.aclu.org/cases/parsons-v-ryan