

Arizona Justice Alliance (AJA)  
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March 20, 2020

Governor Doug Ducey  
1700 W Washington Ave.  
Phoenix, AZ 85009

Director David Shinn  
Az Department of Corrections  
1601 W Jefferson Ave  
Phoenix, AZ 85009

Sheriff Paul Penzone  
550 W Jackson  
Phoenix, AZ 85003

RE: Safety of Inmates, detainees, and correctional staff

In view of the COVID-19 pandemic and the federal government's inadequate response to it, governors and state officials must take the leadership positions. We, the undersigned persons and organizations, urge that you, Governor Ducey, DOC Director Shinn, and Sheriff Penzone exhibit that leadership by taking immediate action for the protection of inmates, detainees, and correctional staff. We agree with the order issued March 20 by federal Judge Roslyn Silver that AZ DOC needs a plan.

We thank Director Shinn for taking action by issuing the media advisory on March 18, and we agree with the waiver of the \$4 co-pay for medical visits but rather than just for those with cold and flu symptoms, it should be for all inmates. We also agree with the issuance of free hand soap but believe all hygiene supplies should be free. We also agree with the cessation of routine internal movement inside the system. As the AZ DHS has suggested every inmate re-entering after an outside work assignment needs to have her/his temperature checked.

We do not agree with stopping all non-contact legal and family visits in the prison or jail. Stopping legal visits is a violation of due process. Stopping family visits is a recipe for disaster as we have seen in Italy and China. Rather, video and telephone visits should be increased and offered for free. Keeping inmates in touch with family so they know their conditions will decrease the probability of unrest.

While these measures are a start as your advisory says, they are not the end. We concur with the additional suggestions made in the March 16 letter from AFSC and the petition that the ACLU is gathering to release those who can be. We also are grateful for the policies announced by the

Maricopa County Attorney on March 18 that the office will prioritize charges to reduce the number of people who interact with the court system and work with defense attorneys who are filing requests to modify release conditions. Again, this is a good step, but more is needed.

Many members of AJA are alumni of the AZ Department of Corrections (DOC) and/or have family, friends or clients in the system. People in prisons and jails are at a heightened risk from COVID-19 because of the crowded and unsanitary living conditions, lack of medical care, lack of hygiene materials, poor nutrition, and lack of ventilation. Certain cleaning supplies and sanitizers are classified as contraband, and running water, soap, and the freedom to social distance are often simply out of reach. Health experts warn that a serious and urgent response must be implemented. Soap, sanitizer, bleach, cleaning supplies and other hygiene products should be free for all and immediately available.

All people working or living in confinement settings are at risk, but we now know the virus will be especially dangerous for the rapidly growing aging population, those with disabilities, and those with chronic health issues. Medical furlough and compassionate release are available mechanisms to tackle this problem now. The elderly and vulnerable people must be immediately released before the virus sweeps through a prison and disaster results.

Moreover, the impact of an inadequate response reaches far beyond incarcerated people themselves. When this highly transmissible virus passes through facilities, confined individuals are likely to contract the virus from staff who enter and exit facilities daily — and staff who have not yet been infected will be at greater risk of becoming ill.

This will be exacerbated by the significant understaffing issues already plaguing Arizona prisons and jails. As concerns about contracting the virus rise for staff members, and as schools close and childcare becomes less accessible for staff members who are primary caretakers, staffing facilities will become more difficult. This will create significant safety risks for both incarcerated people and staff. Corrections staff should be told they can stay home with pay if they feel ill.

The main recommendation from experts regarding COVID-19 is to enforce strict social distancing practices, which is impossible inside detention centers. Outbreaks of mumps, scabies, and other highly contagious diseases have been documented in Arizona to spread aggressively in detention facilities including in for-profit facilities. The long-running *Parsons v. Ryan* law suit has repeatedly proven the lack of capacity of AZ DOC to respond adequately to provide the proper health care under normal circumstances. In light of the pandemic, we call on county jails to release all people from pre-trial detention, and for AZ DOC to release all non-violent offenders, and those imprisoned for marijuana infractions that soon will be legal. Imprisoning people for “technical violations” should immediately stop and those on parole or probation should be able to check in with their officers remotely. Quarantine anyone who tests positive for the virus at a hospital, not the jail or prison.

Arizona officials still have the opportunity to act decisively in the interest of public safety before the pandemic escalates to the level of severity that it has already reached in other

countries. This is a critical moment for Arizona to align with best practices and protect this highly vulnerable population with a humane, safety-focused, public health response. We ask that you immediately issue directives to state agencies and recipients of state funds who have the authority to act on these directives to safely reduce correctional populations and protect incarcerated individuals and staff within correctional institutions.

Respectfully

/s/

Dianne Post, Facilitator  
Arizona Justice Alliance

## LIST OF SIGNERS

### Religious Leaders

Rev. Kim Crecca, Episcopal Diocese of AZ Prison Ministry

The Rev. Gay Romack, St.Peters Episcopal Church

Rev. Leah Sandwell-Weiss, Deacon, St Philip's in the Hills Episcopal Church

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Rev. J Scott Deasy, MD FACOG

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Fr. Allen Breckenridge, Tucson AZ, Affiliated clergy at the Episcopal Church of St. Philip in the Hills, Tucson, AZ.

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The Rev. Canon Timothy Dombek, Rector & Steward, Advent Episcopal Church

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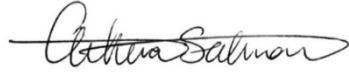
The Rev. Susan B. Harte, Deacon

The Rev. Debra L. Greenleaf

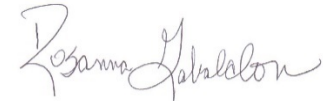
### Legislators



Charlene Fernandez  
House Democratic Leader  
LD 4



Athena Salman  
House Democratic Whip  
LD 26



Rosanna Gabaldon  
House Representative  
LD 2



Raquel Teran  
House Representative  
LD 30



Jennifer Longdon  
House Representative  
LD 24



Richard Andrade  
House Representative  
LD 29



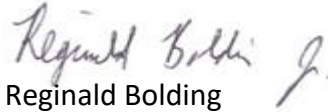
Arlando Teller  
House Representative  
LD 7



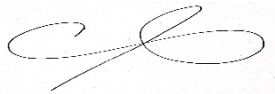
Jennifer Jermaine  
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Randall Friese  
House Democratic Assistant Leader  
LD 9



Reginald Bolding  
House Democratic Whip  
LD 27



Cesar Chavez  
House Representative  
LD 29



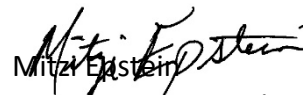
Jennifer Pawlik  
House Representative  
LD 17



Andres Cano  
House Representative  
LD 3



Myron Tsosie  
House Representative  
LD 7



Mitz Epstein  
House Representative  
LD 18



Isela Blanc  
House Representative  
LD 26

Daniel Hernandez  
House Representative  
LD 2



House Representative  
LD4

Community Organizations

The American Friends Service Committee – Arizona Office (AFSC-AZ)  
Refugee Aid  
ReInventing ReEntry  
Southern Arizona National Lawyers Guild  
Central Arizona National Lawyers Guild  
NAACP State Conference  
East Valley NAACP

Individuals

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