

March 30, 2020

Dear Director Shinn,

We have been contacted by many of our constituents and stakeholders with concerns about the growing risk of an outbreak of COVID-19 in the Arizona prison network and the potential of such an outbreak to overwhelm Arizona's healthcare infrastructure and resources. The Department's COVID-19 Management Strategy Update of March 25, 2020 indicated that six symptomatic inmates have been tested for the virus, with results pending. Regardless of whether any of those inmates test positive, we must plan for the very real possibility that an outbreak could occur within one or more state prisons.

We are concerned by reports that 1) sick inmates are not receiving adequate medical attention, 2) that Arizona Department of Corrections, Rehabilitation and Reentry staff is not provided with masks, 3) that basic CDC recommendations on sanitation and social distancing are not being observed, 4) that inmates are not being provided adequate soap or toilet paper, and finally, 5) reports that the Department has been selling toilet paper, purchased for inmates, to its own employees at wholesale cost.

Health, Safety and Cleanliness of Prison facilities

Considering these reports in light of the risk of a growing pandemic, we have grave concerns about the basic health, cleanliness, and safety of the 42,000 inmates incarcerated within our state prison system. We request that you implement (or confirm that you have already implemented), the following basic precautions at the prisons you oversee:

1. Providing adequate soap and toilet paper to each inmate so they can adhere to CDC guidelines.
2. Providing all employees with hand sanitizer and masks.
3. Ensuring staggered access to the cafeteria and common spaces so detainees can remain six feet apart in adherence to CDC guidelines for social distancing.
4. The quarantine of all inmates who exhibit one or more symptoms identified by CDC as consistent with COVID-19 and warranting quarantine.
5. Providing detailed information to inmates and staff on best practices for social distancing, regular hand washing, as well as risk factors, preventative measures, ADCRR testing and treatment guidelines, and any changes regarding prison operations or policies related to the virus.

6. A plan for the conditions under which ADCRR will permit family members and or others to donate personal hygiene and cleaning products to inmates for use during this crisis.
7. Developing and sharing a COVID-19 health emergency plan that includes provisions for protecting staff and inmates should contagion within a prison become widespread requiring extensive quarantine procedures and the capacity to transfer prisoners to area hospitals for treatment should prison health facilities be unable to safely treat severely ill patients.

Inmate Furlough and Quarantine measures

We believe that an increased mortality rate is a likely consequence of a widespread COVID-19 contagion within our prison facilities and that, as a result, ADCRR must take prudent steps, now, to reduce the prison population in order to provide needed space for quarantining inmates.

This is now being done across the United States. For instance, U.S. Attorney General William Barr has asked directed the federal Bureau of Prisons to consider the early release of at-risk inmates to home confinement. The Illinois Department of Corrections has released pregnant women and mothers of small children. North Dakota, Iowa, Rhode Island and Colorado have either granted early release to inmates or are in the process of planning for the release of inmates in direct response to the risk posed by the pandemic in their prison systems. Several major cities, from New York to Los Angeles, have released incarcerated individuals from their jails in an effort to protect the general jail population from a COVID-19 outbreak. In Pima County, officials there are working on a plan to release non-violent offenders. Given these extraordinary times, these are prudent and necessary actions.

Arizona should lead on this issue by crafting its own plan to reduce the number of prisoners currently incarcerated in its facilities.

Accordingly, we strongly recommend that ADCRR take the following precautionary measures – measures that balance the need for public safety with the risk of widespread contagion within a prison and the consequent need to quarantine inmates from each other.

1. Agreements with county governments to reduce, if not halt, the intake of new inmates to the state prison system during the COVID-19 crisis - an action that has already been taken in other states.
2. The furlough of the following inmates:
 - a. inmates over the age of 60;
 - b. inmates with a documented health conditions that render them at higher risk of death should they become infected with the COVID-19 virus
 - c. inmates currently incarcerated for non-violent felonies.
3. A plan for authorizing the Compassionate or Medically Necessary release of at risk inmates who are 60 or older and have underlying health conditions.

Finally, we are very concerned with the lack of information being provided by the Department with respect to its actions in response to the COVID-19 crisis. Although we understand the Department is under tremendous strain as it works to safeguard the health of the staff and inmates in its care, lack of full transparency risks erosion of the public's trust in the integrity of its actions. We ask that the Department provide daily updates, to the public, on the number of COVID-19 tests and results as well as its progress in implementing COVID-related safety and health measures. We also ask that an entity outside ADCRR, such as the Arizona Department of Health, confirm the information in these reports in advance. These daily updates should answer the following questions:

- 1) Are there any confirmed cases of COVID-19 in any of ADCRR's facilities? If so, how many? Which facilities?
- 2) Are there any suspected cases of COVID-19 in any of ADCRR's facilities? If so, how many? Which facilities?
- 3) Is anyone in an ADCRR facility being quarantined? If so, how many? Which facilities? How/under what conditions?

Thank you in advance for a reply to the questions posed in this letter and for your consideration of the recommendations outlined above. We understand that these are extraordinary times and that your priority is the safety and security of Corrections' staff, inmates and the general public. We look forward to your reply at your earliest convenience.

We thank you in advance.

Sincerely,



Kirsten Engel
AZ State Representative, LD10



Diego Rodriguez
AZ State Representative, LD27



Domingo DeGrazia
AZ State Representative, LD10



Jennifer Pawlik
AZ State Representative, LD17