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#### Your Responsibility When Using the Information Provided Below:

When putting this material together, we did our best to give you useful and accurate information because we know that prisoners often have trouble getting legal information and we cannot give specific advice to all prisoners who ask for it. The laws change often and can be looked at in different ways. We do not always have the resources to make changes to this material every time the law changes. If you use this pamphlet, it is your responsibility to make sure that the law has not changed and still applies to your situation. Most of the materials you need should be available in your institution's law library.

#### INFORMATION ABOUT SEXUAL ASSAULT AND HARASSMENT FOR PEOPLE INCARCERATED IN ARIZONA PRISONS Updated June 2019

Sexual assault and sexual harassment can occur inside prison walls, just as on the outside. This letter will use the term "sexual abuse" to refer to all forms of sexual assault and/or harassment. Sexual abuse can be directed at male or female incarcerated persons; committed by male or female prison staff; or by other incarcerated people. It can be explicit sex acts or other types of touchings, or can consist of verbal harassment or lewd gestures. It can be hard to report sexual abuse in prison, but prison staff and administrators can only punish a person who commits sexual abuse or protect an incarcerated person from future harm if they know about the problem. <a href="Incarcerated people should immediately take action to report incidents of sexual abuse or danger of sexual abuse to prison officials, as discussed in Section II of this letter."

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## I. Incarcerated Persons' Rights To Not Be Sexually Abused and To Protection from Sexual Abuse

This section of the letter summarizes the laws that (1) forbid sexual abuse of incarcerated people and require prison officials to protect people from sexual abuse, (2) require prisons to adopt and follow policies to prevent and investigate sexual abuse, and (3) punish prison staff or incarcerated people who commit sexual abuse.

#### A. The U.S. Constitution

Under the Eighth Amendment to the U.S. Constitution, incarcerated people have a right to be free from cruel and unusual punishments. This includes a right to not be sexually abused by prison staff: rape, sexual touching, verbal harassment, or lewd gestures might all qualify as unconstitutional sexual abuse. A court presumes that the incarcerated person did not consent to sexual contact with staff, unless the state can show the conduct was not coercive. If there is no apparent legitimate penological purpose for the conduct, a court will presume that the staff acted with an unconstitutional malicious and sadistic intent; however, the constitution is not violated if the staff was carrying out a legitimate penological purpose such as a justifiable patdown or strip search. To violate the Constitution, the officers' actions must be "offensive to human dignity," but there is no requirement that there be evidence of physical injury.

<sup>&</sup>lt;sup>1</sup> Schwenk v. Hartford, 204 F.3d 1187, 1197–98 (9th Cir. 2000) (sexual harassment, demands for sexual acts, and attempted sodomy by officer); *Wood v. Beauclair*, 692 F.3d 1041, 1046-51 (9th Cir. 2012) (holding unconstitutional the touching of genitalia, and giving examples of unconstitutional harassment from other cases).

<sup>&</sup>lt;sup>2</sup> Wood, 692 F.3d at 1048-49 (holding that "[t]he power dynamics between prisoners and guards make it difficult to discern consent from coercion. Even if the prisoner concedes that the sexuala relationship is "voluntary," because sex is often traded for favors (more phone privileges or increased contact with children) or "luxuries" (shampoo, gum, cigarettes), it is difficult to characterize sexual relationships in prison as truly the product of free choice.").

<sup>&</sup>lt;sup>3</sup> *Wood.*, 692 F.3d at 1049-50.

<sup>&</sup>lt;sup>4</sup> See Wood, 692 F.3d at 1050 (sexual harassment, demands for sexual acts, and attempted sodomy by officer were sufficiently serious to support constitutional claim) (quoting Schwenk, 204 F.3d at 1196); but see Watison v. Carter, 668 F.3d 1108, 1114 (9th Cir. 2012) (no Eighth Amendment violation where officer entered cell of male prisoner while he was on the toilet and rubbed briefly against prisoner's thigh); Austin v. Terhune, 367 F.3d 1167, 1172 (9th Cir. 2004) (no Eighth Amendment violation where officer in control booth displayed genitals to male prisoner and made sexual comment).

The Eighth Amendment also imposes duties upon prison staff to protect incarcerated people from sexual abuse by other incarcerated people. To violate the constitution, the prison staff's failure to protect a prisoner from sexual abuse must amount to "deliberate indifference" to a substantial risk of harm to the incarcerated person's health and safety.<sup>5</sup> It is not required that the incarcerated person has already been harmed, so long as there is an unreasonable risk of serious harm in the future.<sup>6</sup>

Prison search and monitoring policies that are not justified by legitimate prison needs may be sexually abusive in violation of the U.S. Constitution's Fourth Amendment right to privacy and/or the Eighth Amendment right to be free from cruel and unusual punishment. For example, a prison policy requiring male guards to conduct random, non-emergency clothed body searches that included kneading and rubbing the genitals and breasts of female prisoners was found to be cruel and unusual punishment. However, routine pat-down searches by guards of the opposite sex and infrequent casual observation of nude prisoners by guards of the opposite sex do not violate privacy rights. 8

## B. The Prison Rape Elimination Act (PREA) and Arizona Department of Corrections Order 125 and Disciplinary Regulations

#### i. Prison Rape Elimination Act (PREA)

There are federal laws and state policies to protect incarcerated people from sexual abuse and to help incarcerated people who have been the victims of sexual abuse.

The federal Prison Rape Elimination Act (PREA) of 2003 required the U.S. Department of Justice to issue national standards to eliminate sexual abuse in federal, state, and local detention facilities.<sup>9</sup> The PREA standards require corrections agencies to protect incarcerated people from sexual abuse, and require those agencies to have certain policies and procedures to protect people from sexual abuse.<sup>10</sup> State and local detention

<sup>&</sup>lt;sup>5</sup> Farmer v. Brennan, 511 U.S. 825, 828 (1994); Berg v. Kincheloe, 794 F.2d 457, 459 (9th Cir. 1986); see also Davidson v. Cannon, 474 U.S. 344, 347-48 (1986) (Eighth Amendment not violated by negligence in failing to protect prisoner from assault).

<sup>&</sup>lt;sup>6</sup> Helling v. McKinney, 509 U.S. 25, 33-34 (1993).

<sup>&</sup>lt;sup>7</sup> Jordan v. Gardner, 986 F.2d 1521, 1523, 1530 (9th Cir. 1993).

<sup>&</sup>lt;sup>8</sup> Grummett v. Rushen, 779 F.2d 491, 492-95 (9th Cir. 1985); Somers v. Thurman, 109 F.3d 614, 624 (9th Cir. 1997).

<sup>&</sup>lt;sup>9</sup> Federal Prison Rape Elimination Act (PREA) of 2003, 34 U.S.C § 30301, et seq.

<sup>&</sup>lt;sup>10</sup> See U.S. Dep't of Justice, National Standards To Prevent, Detect, and Respond to Prison Rape, 28 CFR 115.5, et seq. (Jun. 20, 2012), <a href="www.federalregister.gov/a/2012-12427">www.federalregister.gov/a/2012-12427</a>.

agencies must be audited regularly and risk losing some of their federal funding if they do not comply with the standards.<sup>11</sup>

Arizona Department of Corrections ("ADC") adopted Department Order 125 ("D.O. 125") regarding sexual offense reporting, which became effective May 14, 2014, and was amended most recently on May 30, 2018. It states that ADC has "zero tolerance for sexual contact of any kind with inmates and offenders including sexual harassment, conduct, assault and/or contact, by inmates, staff, contractors, volunteers and others." The order includes information about accountability measures, prevention, and intervention/appropriate responses to sexual assault and misconduct. If you would like a free copy of D.O. 125, please write us back.

#### ii. Staff Misconduct

D.O. 125 prohibits sexual contact or conduct between staff and incarcerated people. 14 Staff cannot claim an incarcerated person consented to the behavior. 15 Unlawful sexual conduct is "any act of a sexual nature" with a person who is in custody or under the supervision of ADC. 16 Staff who engage in unlawful sexual conduct are

<sup>&</sup>lt;sup>11</sup> See 34 U.S.C § 30305; See also PREA Resource Center, Frequently Asked Questions (FAQs) Regarding the Prison Rape Elimination Act (PREA) Certification Requirement and 5 percent Reduction 1,2 (Aug. 2018), <a href="https://www.prearesourcecenter.org/sites/default/files/library/JAG-PREA-FAQ-2018\_0.pdf">https://www.prearesourcecenter.org/sites/default/files/library/JAG-PREA-FAQ-2018\_0.pdf</a>.

<sup>&</sup>lt;sup>12</sup> Arizona Department of Corrections, *Department Order 125: Sexual Offense Reporting* (May 30, 2018), <a href="https://corrections.az.gov/sites/default/files/policies/100/0125\_032519.pdf">https://corrections.az.gov/sites/default/files/policies/100/0125\_032519.pdf</a> (hereinafter D.O. 125).

<sup>&</sup>lt;sup>13</sup> *Id.*, at 1.

<sup>&</sup>lt;sup>14</sup> *Id.*, § 1.2.

<sup>&</sup>lt;sup>15</sup> *Id.*, § 1.2.

<sup>&</sup>lt;sup>16</sup> *Id.* § 1.21, §§1.2.1.2 –1.2.1.2.3 (Includes any: "Completed, attempted, threatened or requested touching of the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks. A.R.S. §13-1419; Exposing genitalia, anus, groin, breast, inner thigh, pubic area or buttocks. A.R.S. §13-1419; Photographing, videotaping, filming, digitally recording or otherwise viewing – with or without a device, an inmate or offender, while the inmate or offender is in a state of undress or partial undress, or while the inmate or offender is urinating or defecating. A.R.S. §13-1419"); This does not apply to acts by people lawfully married to the incarcerated person prior to incarceration; or to acts for a "bona fide" medical exam or lawful internal search; or to Urinalysis Collection as outlined by ADC D.O. 709. D.O. 125, § 1.2.1.3.

subject to disciplinary action, including possible dismissal, and may also be referred for criminal prosecution.<sup>17</sup>

#### iii. Incarcerated Persons' Misconduct

"Abusive sexual contact and any sexual contact (consensual or nonconsensual sexual acts) between inmates are strictly prohibited." Incarcerated people who sexually assault other incarcerated people may be charged with serious prison disciplinary rules violations, moved to the highest custody level, and may also be referred for criminal prosecution. Criminal prosecution may result in additional prison time and sex offender registration. Additional provisions of Order 125 are discussed in Section II, below.

#### C. Arizona Criminal Laws

Rape and other types of forced or coerced sexual assaults are crimes under Arizona law.<sup>21</sup> The criminal laws apply regardless of whether the person who commits the assault is incarcerated or a prison employee.<sup>22</sup> The sexual assault may be referred to the local prosecuting agency.<sup>23</sup> The prosecutor will then decide whether to go ahead with criminal charges.

#### II. Immediate Actions to Protect Health and Safety

If you have suffered or believe you are likely to suffer sexual abuse by prison staff or other incarcerated people, then you should take immediate action to protect your health and safety.

#### A. Reporting the Sexual Abuse

You should immediately report incidents of sexual abuse to prison staff. You should provide as many details as possible, such as specific times, dates, places, and descriptions of the events. You can also ask family, friends, or an advocate to contact the prison officials about the situation. Prison officials can only take action if they receive specific allegations of abuse or detailed information about why you are in danger.

<sup>&</sup>lt;sup>17</sup> D.O. 125, §§ 1.2, 1.2.3; See A.R.S. § 13-1419.

<sup>&</sup>lt;sup>18</sup> D.O. 125, § 1.3.

<sup>&</sup>lt;sup>19</sup> *Id.*, §§ 1.3.1–1.3.3.

<sup>&</sup>lt;sup>20</sup> *Id.*, § 1.3.3.

<sup>&</sup>lt;sup>21</sup> See, e.g., A.R.S. §§ 13-1404 (sexual abuse), 13-1406 (sexual assault), 13-1419 (unlawful sexual conduct correctional facilities), 13-1428 (sexual extortion).

<sup>&</sup>lt;sup>22</sup> See D.O. 125, §§ 1.2.3, 1.3.3.

<sup>&</sup>lt;sup>23</sup> *Id.*, §6.1.2.

Furthermore, prison staff must intervene when an incarcerated person appears to be the target of sexual harassment.<sup>24</sup> Any staff who knows of sexual abuse must report it immediately and to the fullest extent possible, confidentially.<sup>25</sup> Staff must assist the victim by referring them to medical/mental health for evaluation.<sup>26</sup> Staff must remain with the victim, and where appropriate, separate the victim for protection and initiate Incident Commend System (ICS).<sup>27</sup> Staff must also identify and secure the crime scene until the Criminal Investigations Unit investigator arrives.<sup>28</sup> Prison officials must investigate any report that a prisoner has been sexually abused and document the findings in writing.<sup>29</sup> The investigations may be administrative and/or criminal.<sup>30</sup>

Incarcerated people can report sexual misconduct or sexual harassment by utilizing the PREA Hotline on the phones:

- Pick up the handset and hit option number 9, followed by option number 1.
- Dial 7732 (PREA). Inmates are not required to enter their PIN number or voice print.
- Leave a message detailing the alleged occurrence.
- The information will be confidential and you will remain anonymous.

#### B. Seeking Medical and Mental Health Care

If you have been sexually assaulted, you should seek immediate medical attention for health reasons, and for collection of evidence to prove an assault happened. You should not shower until after a medical examination is performed because showering could wash away evidence.<sup>31</sup> If possible, you should try not to use the restroom or drink liquids until after the examination.<sup>32</sup> You should also keep and give the investigators any clothes or items that might have come into contact with the body fluids, skin, or hair of

<sup>&</sup>lt;sup>24</sup> *Id.*, § 3.1.2.

<sup>&</sup>lt;sup>25</sup> "The identity and dignity of the victim will be protected to the fullest extent possible." *Id.*, § 9.1. Staff must preserve confidentiality except for as provided in relating to investigations. *See id.*, § 6.0 *et. seq.* 

<sup>&</sup>lt;sup>26</sup> *Id.*, § 3.2.2.2..

<sup>&</sup>lt;sup>27</sup> *Id.*, §§ 3.2.1–3.2.2.2.

<sup>&</sup>lt;sup>28</sup> *Id.*. 125, § 3.2.3.

<sup>&</sup>lt;sup>29</sup> *Id.*, § 3.3.12 (staff are required to complete a Form 105-3 (Significant Incident Report) and Form 125-1 (Sexual Assault Procedures Checklist). *See* D.O. 125, §§ 3.3.11–3.3.12.

<sup>&</sup>lt;sup>30</sup> *Id.*, §§ 6.3.1–6.3.2.

<sup>&</sup>lt;sup>31</sup> *Id.*, § 3.1.1.

<sup>&</sup>lt;sup>32</sup> *Id.*, § 3.1.1.

the person who committed the assault.<sup>33</sup> Prison medical staff should provide any emergency medical care needed by a prisoner who has been sexually assaulted without charge.<sup>34</sup>

Rape and sexual assaults can result in pregnancy. An incarcerated woman who has been raped or sexually assaulted in a manner that might cause pregnancy, should be offered a pregnancy test. <sup>35</sup> If not offered, she should ask for a pregnancy test. If pregnant, she should receive medical advice and counseling concerning whether to terminate the pregnancy or have the baby, and about placement or adoption of the baby after birth. <sup>36</sup>

All persons who have been sexually assaulted should ask to get tested for HIV and other sexually transmitted diseases.<sup>37</sup> Even if an HIV test is negative, you may want to request re-testing after six months have passed, since it may take that long for a detectable level of HIV antibodies to show up in a test. If a person tests positive for any STDs, the prison should provide appropriate medical treatment without charge.<sup>38</sup>

Sexual abuse can cause serious emotional trauma. A person who has been sexually abused and who wants emotional support can seek counseling from mental health staff, a religious advisor, or a volunteer or peer counselor. Prison mental health staff must evaluate victims of sexual violence or staff sexual misconduct immediately after a report of sexual assault.<sup>39</sup> They also should provide on-going mental health treatment and counseling as needed.<sup>40</sup> Prison staff should provide a victim of sexual abuse with contact information for outside emotional support and victim advocacy organizations.<sup>41</sup>

#### C. Protective Housing Placement

When an incarcerated person is the target of sexual assault or pressuring, he or she may want to try to get a change in housing for the purpose of protection. Prison staff have a responsibility to ensure safety of incarcerated people who are in danger of sexual abuse

<sup>&</sup>lt;sup>33</sup> *Id.*, §§ 3.3.1.2.1, 3.3.1.2.2.

<sup>&</sup>lt;sup>34</sup> *Id.*, §§ 4.1.1, 4.1.4.5.

<sup>&</sup>lt;sup>35</sup> *Id.*, § 4.2.3.

<sup>&</sup>lt;sup>36</sup> *Id.*5, § 4.2.3.1.

<sup>&</sup>lt;sup>37</sup> *Id.*, § 4.1.4.4.

<sup>&</sup>lt;sup>38</sup> *Id.*, § 4.1.4.5.

<sup>&</sup>lt;sup>39</sup> *Id.*, §§ 3.3.4.3, 5.3.1.

<sup>&</sup>lt;sup>40</sup> *Id.*, § 5.2.

<sup>&</sup>lt;sup>41</sup> *Id.*, § 5.5.

or who have been sexually abused.<sup>42</sup> This includes making sure the victim is housed safely.<sup>43</sup> It should also include investigating any acts of retaliation, as staff and other prisoners are not supposed to retaliate against an incarcerated person who reports sexual abuse, and if retaliation is proven—the conduct can result in discipline.<sup>44</sup>

An incarcerated person might be put in "investigative detention" during an investigation.<sup>45</sup> Investigative detention should not be punitive, and prison staff should take reasonable measures to ensure the incarcerated person is afforded all privileges she or he had prior to placement in investigative detention.<sup>46</sup> Any restrictions or changes while in investigative detention have to be documented.<sup>47</sup> Investigative detention is limited to 30 days unless there is an exceptional circumstance in which an extension, requested by the division director, has to be approved in writing.<sup>48</sup>

An incarcerated person may also request, in writing or verbally, to be placed in Protective Custody. Being placed in protective custody is a process which includes: initial review, informal review, and formal review. Unfortunately, you may be housed in a detention unit or "refuse to house" unit for the duration of the process. The Prison Law Office has a free manual with more information on Protective Custody, which you can write us and request a copy of it. 51

Prior to placement in protective custody, the prison staff may make an effort to resolve the incarcerated persons' safety concerns without an assignment to protective custody.<sup>52</sup> This could include changes to cell block, bed assignment, the addition of a Do Not House With ("DNHW"), or mediation.<sup>53</sup>

<sup>&</sup>lt;sup>42</sup> *Id.*, § 2.4.1.

<sup>&</sup>lt;sup>43</sup> *Id.*, § 1.4.

<sup>&</sup>lt;sup>44</sup> *Id*..

<sup>&</sup>lt;sup>45</sup> *Id.*, § 6.1.

<sup>&</sup>lt;sup>46</sup> *Id.*, §§ 6.1.2, 6.1.2.1.

<sup>&</sup>lt;sup>47</sup> *Id.*, § 6.1.2.2.

<sup>&</sup>lt;sup>48</sup> *Id.*, § 6.1.1.

<sup>&</sup>lt;sup>49</sup> D.O. 805, § 1.1.

<sup>&</sup>lt;sup>50</sup> *Id.*, § 2.1.1.

<sup>&</sup>lt;sup>51</sup> Prison Law Office, *Protective Custody* (D.O. 805) and Reasonable Safety Claims, <a href="https://prisonlaw.com/wp-content/uploads/2019/04/AZ-Protective-Custody-with-DO-805.pdf">https://prisonlaw.com/wp-content/uploads/2019/04/AZ-Protective-Custody-with-DO-805.pdf</a> (Mar. 2019).

<sup>&</sup>lt;sup>52</sup> D.O. 805, § 1.3.2.

<sup>&</sup>lt;sup>53</sup> *Id.*, § 1.3.2.

#### III. Further Actions to Get Protection or Address Past Misconduct

If the prison staff do not respond appropriately to complaints of past or threatened sexual abuse, there are three types of legal actions a prisoner can take. The following sub-sections summarize those types of actions.

#### A. Filing a Grievance

The Prison Law Office has a free manual with more information on how to file and pursue grievances, which we will send to you upon request.<sup>54</sup> If you want to file a lawsuit against the department regarding the failure to protect you from sexual abuse, or for failing to properly respond to a report of sexual assault or harassment, you must first file a grievance and "exhaust" it to the highest level of review.

If you are at substantial risk of imminent sexual abuse or another safety/medical issue needs urgent attention, you should ask for emergency processing by writing "emergency" at the top of the grievance. In cases of sexual assault, staff must act immediately to initiate safety procedures under PREA.<sup>55</sup> The grievance process has strict time limits, but there are **no** time limits for filing an administrative appeal alleging sexual violence or staff sexual misconduct.<sup>56</sup> However, applicable time limits may apply to any portion of a grievance that does not allege sexual abuse.<sup>57</sup>

There are different types of grievances. An informal complaint (Form 802-11), is a grievance in which the problem first tries to be fixed informally, but if filing a grievance regarding sexual abuse, the incarcerated person can skip this step.<sup>58</sup> If prison staff do not provide an appropriate forensic medical examination or satisfactory medical or mental health care after an assault, the incarcerated person should file a medical grievance.<sup>59</sup>

It is very important for an incarcerated person to file grievances and keep resubmitting it through the highest level necessary when prison officials do not respond appropriately to complaints about sexual abuse. A grievance can be the fastest and most reliable way to get prison officials to act. Also, an incarcerated person will usually be

<sup>&</sup>lt;sup>54</sup> See Prison Law Office, *Arizona's Inmate Grievance System*, <a href="https://prisonlaw.com/wp-content/uploads/2019/04/Exhaustion-Memo-with-Forms-Nov-2016-Revisions.pdf">https://prisonlaw.com/wp-content/uploads/2019/04/Exhaustion-Memo-with-Forms-Nov-2016-Revisions.pdf</a> (Nov. 2016).

<sup>&</sup>lt;sup>55</sup> D.O. 802, § 8.0.

<sup>&</sup>lt;sup>56</sup> *Id.*, § 8.1.1.

<sup>&</sup>lt;sup>57</sup> *Id.*, § 8.1.2.

<sup>&</sup>lt;sup>58</sup> *Id.*, § 8.1.3.

<sup>&</sup>lt;sup>59</sup> An informal grievance, called an Inmate Informal Complaint Resolution, is Form 802-11. A formal grievance is Form 802-1. *See* D.O. 802, §§ 2.1, 3.2.

required to complete the grievance procedure (or at least make best efforts to do so) before taking other types of actions to address the problem. Other agency investigators and the courts may refuse to address an incarcerated persons' claims if the prisoner has not "exhausted administrative remedies" by completing grievance process.

#### B. Asking for Other Types of Assistance or Investigations

If the institution staff do not respond adequately to a grievances, you can write the ADC Office of the Inspector General (OIG) via an inmate letter or confidential correspondence to: 1601 West Jefferson Street, Phoenix, AZ 85007. Their phone number is 602-542-1160.

#### C. Filing a Lawsuit in State or Federal Court

Incarcerated people can file court actions to force prison officials to do something or stop doing something (called "injunctive relief"). For example, you could request that the court order prison officials to transfer you to different housing to prevent future sexual abuse, provide medical or mental health care for past sexual abuse, follow its procedures for investigating sexual abuse, or take action to punish a prisoner or staff member who committed sexual abuse. An incarcerated person can ask a court to issue a preliminary injunction to make prison officials provide safe housing or take some other immediate action during the time while the case is pending in the court.

Two types of actions that incarcerated people can use to seek injunctive or monetary relief are state law tort claims or federal civil rights (Section 1983) lawsuits. There are Arizona state laws that limit incarcerated people's right to sue ADC. Additionally, state employees typically have some forms of immunity that prevent them from being sued. For example, a state employee has qualified immunity from money damages for "an injury caused by a prisoner to any other prisoner . . . ." This immunity does not apply, however, in cases seeking injunctive relief. Unfortunately, there is no right to an attorney in a civil proceeding in Arizona.

 $<sup>^{60}\</sup> See,\ e.g.,\ A.R.S.\ \S\ 31\text{-}201.01\ (L).$ 

<sup>&</sup>lt;sup>61</sup> See Ariz. Att'y Gen. Office, *Arizona Agency Handbook* §13.3.3, *available at* <a href="https://www.azag.gov/outreach/publications/agency-handbook">https://www.azag.gov/outreach/publications/agency-handbook</a> (hereinafter "Agency Handbook").

<sup>&</sup>lt;sup>62</sup> Agency Handbook §13.3.3.2.1; A.R.S. § 12-820.02(A).

<sup>&</sup>lt;sup>63</sup> Agency Handbook §13.3.3.2.1; *Zeigler v. Kirschner*, 781 P.2d 54, 61 (Ariz. Ct. App. 1989).

<sup>&</sup>lt;sup>64</sup> Powell v. State, 507 P.2d 989, 990 (Ariz. Ct. App. 1973).

Filing and litigating a lawsuit without a lawyer is very difficult, so you should always try to find an attorney. There are important deadlines for these types of cases. The Prison Law Office cannot represent you. On request, we can also provide a list of attorneys who have brought individual lawsuits against ADC and/or Corizon in the past. Also, on request, the Prison Law Office can provide a free manual published by the Arizona Attorney General on suing state agencies. The manual is also available at <a href="https://www.azag.gov/outreach/publications/agency-handbook">https://www.azag.gov/outreach/publications/agency-handbook</a> or <a href="https://www.prisonlaw.com">www.prisonlaw.com</a>. We also can send you a handbook published by the federal district court in Arizona with information on representing yourself in a Section 1983 case, it is available at <a href="http://www.azd.uscourts.gov/handbook-self-represented-litigants">http://www.azd.uscourts.gov/handbook-self-represented-litigants</a>.

#### i. Legal Resources

#### U.S. District Court of Arizona, Federal Court Self-Service Clinics By appointment only:

**Phoenix courthouse**: <a href="https://jobs.azd.uscourts.gov/SelfServiceCenter/SHCScheduler.aspx">https://jobs.azd.uscourts.gov/SelfServiceCenter/SHCScheduler.aspx</a> 401 W. Washington St., Ste. 130 Phoenix, AZ 85003

**Tucson courthouse**: <a href="http://www.azd.uscourts.gov/schedule-appointment-tucson">http://www.azd.uscourts.gov/schedule-appointment-tucson</a> 405 W. Congress St., 6th Floor Tucson, AZ 85701

**Self-Service Center, Maricopa County Superior Court** 101 W. Jefferson, 4<sup>th</sup> Floor Phoenix, AZ 85003 (602) 506-7353

Maricopa County Bar Association 303 East Palm Ln.

Phoenix, AZ 85004 (602) 257-4434

#### **Pima County Bar Association**

177 N. Church Ave., #101 Tucson, AZ 85701 (520) 623-4625

**Step Up to Justice** 

320 N. Commerce Park Loop, Ste. 100 Tucson, AZ 85745

#### State Bar of Arizona: Lawyer Locator and Referral Resources

4201 N. 24<sup>th</sup> Street, Suite 200 Phoenix, AZ 85016 (520) 623-9944

#### D. Other Resources

Just Detention International (JDI) is a health and human rights organization that seeks to end sexual abuse in all forms of detention and provides advice, support and information for prisoners who are facing sexual abuse or who are survivors of sexual abuse. JDI's website at <a href="www.justdetention.org">www.justdetention.org</a> has resources such as state-by-state lists of counseling, government and legal resources for survivors of prison sexual abuse. A list of service providers and rape-crisis resource centers adapted from information on that website is below. You can write JDI at the following address:

Just Detention International 3325 Wilshire Blvd., Ste. 340 Los Angeles, CA 90010 (213) 384-1400 info@justdetention.org.

#### State-Wide

#### **Southern Arizona AIDS Foundation**

375 S. Euclid Ave. Tucson, AZ 85719 Office: (520) 628-7223 Toll-Free: (800) 771-9054

#### **Southern Arizona Center Against Sexual Abuse**

1600 North Country Club Road Tucson, AZ 85716 (520) 327-1171

24-hour Bilingual Crisis Line: (520) 327-7273

Toll-Free 24-Hour Bilingual Crisis Line: (800) 400-1001

TTY Hotline: (520) 327-1721 (For Deaf & Hard-of-Hearing Individuals Only)

#### Yuma and La Paz Counties

Catholic Community Services in Western Arizona

690 E. 32<sup>nd</sup> Street Yuma, AZ 85356

24-Hour Hotline: (877) 440-0550

# Tucson, South Tucson, Nogales Catholic Social Services Counseling Program 140 West Speedway, #130 Tucson, AZ 85705

(520) 623-0344

#### Kingman, Mohave County, adjacent areas in Northwestern Arizona

### Kingman Aid to Abused People

P.O. Box 1046 Kingman, AZ 86402

Office: (928) 753-6222

24-Hour Hotline: (928) 753-4242

<u>Flagstaff, Seligman, Ash Fork, Grand Canyon, Winslow, St. Johns, Springerville/Eager, Holbrook, and Kingman</u>

North Country Health Care/Northern Arizona Center Against Sexual Assault 2920 N.  $4^{\rm th}$  Street

Flagstaff, AZ 86004 Office: (928) 213-6112