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VIA EMAIL ONLY

June 3, 2020

Mr. Timothy Bojanowski
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RE: *Parsons v. Shinn*, 2:12-CV-00601
Management of Positive and Suspected COVID-19 Patients at Yuma-Cibola

Dear Tim:

We write again regarding the management of incarcerated people suspected or confirmed to have COVID-19, this time at Arizona State Prison Complex-Yuma. We have again encountered problematic practices around the treatment and management of patients at the prison complex.

As you may be aware, Yuma is now the site of the second-largest COVID-19 outbreak in the state prison system. According to ADC's COVID-19 Dashboard, as of June 2, 2020, 62 class members at Yuma have tested positive for COVID-19, with six additional people pending results. See <https://corrections.az.gov/adcr-covid-19-dashboard>

We are concerned, based upon our review of the medical records of people who tested positive, as well as communications to our office from people incarcerated at Yuma and their loved ones, that the prison has failed to take steps necessary to ensure that the disease does not spread further.

As a threshold matter, it appears from reviewing the medical records of most, if not all, of the people on the list we received on May 18, 2020, that they were all incarcerated in Cibola in dorm settings. It appears that there was mass testing ordered on May 9, the specimens were taken on May 11, positive results were received on May 12, but these individuals continued to be housed in general population at Cibola until May 14, when they were moved *en masse* to a new unit designated as "Cibola Medical" for medical isolation. Similarly, there were multiple people on the list we received on May 26, 2020, that showed

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that they were tested on May 19; positive results were received on May 21, but they were not moved to the “Cibola Medical” for isolation until May 22 or 23. We have since learned that “Cibola Medical” is not a medical unit, but rather it’s Cibola’s Building 8 that has been repurposed for housing positive patients.

It appears that this mass testing occurred after ADC’s food contractor Trinity Services Group announced on May 13 that two staff who worked in the kitchens had tested positive for COVID-19.¹ Unfortunately, the failure to not quarantine people immediately upon learning of their possible exposure and pending the results of their tests, is contrary to Centers for Disease Control guidelines, and may have resulted in a further transmission of the virus. We also have learned that in the past two weeks, people are moved temporarily to Yuma’s detention units for several days pending the results of their tests. According to the information we have learned, these detention units are not air conditioned, while temperatures are well over 100 degrees, and people put in the detention unit are not provided any of their personal property or allowed out of their cells. As a result of the extremely harsh conditions, people with COVID-19 symptoms are not reporting them to health care staff. Amy Fettig’s April 16, 2020 letter to your office detailed that the use of punitive segregation / solitary confinement is contrary to public health and the goals of prevention and containment, and included a briefing paper on this topic regarding the ethical use of medical isolation – not solitary confinement – to reduce COVID-19 transmission. We remain deeply concerned that Defendants’ disregard to these guidelines will result in the increased spread of the disease.

In addition, ADC’s Daily Inmate Report for June 2, 2020, the 79-bed Cheyenne detention unit had 95 people living there. *See* https://corrections.az.gov/sites/default/files/DAILY_COUNT/Jun2020/06022020_count_sheet.pdf. As noted in Ms. Fettig’s April 16 letter, in the past, when the detention units are overcapacity, the prisons “triple-bunk” people in cells designed for two people, such that one person has to sleep on a mat in the floor of the cramped cell. This overcrowding in the locked down detention units obviously forecloses any of the social distancing that the Centers for Disease Control (CDC) and the World Health Organization (WHO) have informed us is necessary to prevent the rampant spread of COVID-19. **Please inform us of the actions Defendants are taking to mitigate this overcrowding and allow for social distancing in the Yuma detention units.**

¹ J. Jenkins, *Food Service Workers in Arizona Prisons Test Positive for COVID-19*, KJZZ (May 13, 2020) at <https://kjzz.org/content/1568356/food-service-workers-arizona-prisons-test-positive-covid-19>.

We also have received information from people at Cibola Unit that no education has been provided regarding COVID-19, or to the extent it has been provided, it is only in English. Your May 29, 2020 letter responding to my request for an update on COVID-19 policies stated that “Cibola Unit is on restricted movement and have implemented their compartmentalization plan to include inmates wearing face coverings and staff in N-95 masks.” However, we spoke with a class member on June 1, 2020, who lives in Cibola and reported that as of the date of the call, no face coverings or hand sanitizer had been made available to incarcerated people, that prisoners had only received bars of soap twice in recent weeks, that officers are not wearing masks, and that when incarcerated people have tried to make and wear cloth face coverings, they are threatened with write-ups by the officers. It is unclear what “compartmentalization” refers to in your letter, but he and others who have contacted us, have reported that social distancing is impossible in Cibola’s dorm setting. **We request that you provide us with the “compartmentalization” policies you referenced, and all instructions to incarcerated people and staff indicating that people in Cibola are allowed to wear face coverings.**

Thank you for your prompt attention to this matter.

Sincerely yours,



Corene Kendrick
Staff Attorney

cc: Counsel of record