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**VIA EMAIL ONLY**

August 19, 2020

Mr. Timothy Bojanowski  
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RE: *Parsons v. Shinn*, 2:12-CV-00601  
COVID-19 Testing at ASPC-Yuma

Dear Mr. Bojanowski:

On May 12, 2020, Governor Doug Ducey and Arizona Department of Health Services Director Dr. Cara Christ announced that all state prisoners would be tested for COVID-19.<sup>1</sup> Last week, Defendant Shinn stated that universal testing was underway and would be completed by the first week of September.<sup>2</sup>

While we are pleased to learn that universal testing has finally begun, we write because we have received credible reports that officials at ASPC-Yuma are pressuring incarcerated people to refuse the COVID-19 tests, in order to keep the rate of positive results at the facility low. If true, such efforts to limit the detection and management of COVID-19, and to report an artificially low infection rate at the prison, threaten the health and public safety of the people who work at or live in ASPC-Yuma, as well as the health and safety of the communities in Yuma and Imperial Counties and northern Mexico, where prison staff live.

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<sup>1</sup> D. Rosenblatt, *Virus test demand drops after initial blitz*, Arizona Capitol Times (July 31, 2020), at <https://azcapitoltimes.com/news/2020/07/31/virus-test-demand-drops-after-initial-blitz/>.

<sup>2</sup> D. Shapiro, *Arizona prisons director says state quickly testing inmates for COVID-19*, KTAR (Aug. 14, 2020), at <https://ktar.com/story/3486978/arizona-prisons-director-says-state-quickly-testing-inmates-for-covid-19/>.

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Specifically, we were informed that on or about August 7, 2020, a Strategical Support Unit (SSU) sergeant and officers called up each of the known race-based leaders (known colloquially as “the heads”) at the prison, to tell them that the universal testing was scheduled to begin approximately the week of August 17, 2020. The SSU officers reportedly directed the heads to encourage members of their corresponding racial groups to refuse testing so that the facility’s positive numbers would be low. If a particular race group refused the tests, they would be afforded additional privileges, be permitted to run gambling activities, and not be targeted for intrusive searches. While official policy states that people who refuse testing may be subject to disciplinary actions, the heads were allegedly assured by SSU that the prison leadership had indicated that no disciplinary tickets would be written for refusals, and that if the positive rates were low, the yards would be reopened and tablets would be distributed to incarcerated people more quickly. We were told that initially only the heads of the white racial group agreed to this arrangement, and they instructed all Caucasians except the elderly and sick to refuse testing.

While originally only the whites agreed to refuse testing, it appears that the other racial groups at the prison have fallen into line. We also were told that on August 12, 2020, SSU officers and the heads went to the living units and informed members of all races that if they took the test, they would suffer “physical consequences” (i.e. be assaulted), and that they would be moved out of their living units. The only exceptions are for people who are elderly, sick, or close to a release date.

The ADC COVID-19 dashboard does not show the refusal rate, and we only receive a weekly list of people who have actually been tested, so it is unclear if ADC or Centurion are tracking refusals. The dashboard shows that as of yesterday, 569 people at Yuma have been tested, a number that has basically gone unchanged for several weeks (by comparison, the July 27, 2020 update showed 567 people had been tested at Yuma). Therefore, it is unclear if the testing (and refusals) have started yet.

We are profoundly concerned about these allegations, and request that ADC’s Administrative Investigations Unit immediately investigate the actions of the SSU and prison officials at Yuma. **We also ask that you provide us the universal testing schedule for all ten state prisons by August 25, as well as the testing refusal numbers with your weekly production of test results.** Thank you for your urgent attention to this matter.

Sincerely yours,



Corene Kendrick, Staff Attorney