



April 29, 2020

Governor Doug Ducey

Director David Shinn

Arizona Department of Corrections, Rehabilitation, and Reentry

Dear Governor Ducey and Director Shinn:

Before the coronavirus was introduced into Arizona prisons, hundreds of public health experts recommended targeted release of incarcerated people as an essential tool to mitigate inevitable illnesses and deaths in prisons. States around the country have successfully incorporated that expert advice into their larger COVID-19 response. Arizona has not. We believe any response to COVID-19 that does not include release of vulnerable people from prison is shortsighted and incomplete, and we renew our call for safe decarceration as more incarcerated people and corrections professionals are infected with COVID-19 by the day.

With or without release, however, the state is obligated to keep the people in its care safe. We appreciate what the Arizona Department of Corrections, Rehabilitation, and Reentry (ADCRR) has done so far in that regard. Keeping incarcerated people and corrections professionals safe requires, at a minimum, testing that accurately reflects the spread of the virus inside prisons, transparency about testing and results, and maintenance of appropriate staff to prisoner ratios at all state prison facilities.

ADCRR data suggest that testing rates in Arizona's prisons are too low and need to be increased. ADCRR has reported that a mere 0.46 percent of the prison population has been tested for COVID-19. This is around 50 percent lower than the overall state testing rate. Testing data and positive rates for staff are currently unavailable. Per the World Health Organization (WHO), a "positive rate" (i.e., positive tests as a percentage of overall tests) above 10 percent implies a significant number of infected but untested people. Based on the limited data available, ADCRR's positive rate is at least 24 percent. A positive rate twice WHO's recommended maximum means ADCRR is not testing sufficiently to capture the extent of the spread of the virus inside prisons. This puts the lives and health of incarcerated people and corrections professionals at unnecessary risk, and hinders efforts to perform contact tracing and quarantine those who could infect others. We encourage you to do whatever is necessary to ensure that the positive rate for ADCRR staff and incarcerated people is reduced to 10 percent or lower, in accordance with WHO standards.

We appreciate ADCRR's collection and reporting of relevant testing and infection data for prisoners and urge ADCRR to increase its transparency by publishing staff testing rates and infections at each facility on its website. Many other states and the federal government are reporting data on the number, location, and results of staff tests for their prison systems, without violating privacy laws. Such reporting helps stifle rumors and informs the public, families of staff

and prisoners, and lawmakers of where resources are needed. This data is also essential to ensuring that staffing levels are sufficient to keep people in and outside of prisons safe.

We and the Arizona families we represent are deeply concerned about recent news reports showing that there are dozens of staff who have tested positive (but not been publicly reported by ADCRR) and dozens of others not reporting for work. The Arizona Correctional Peace Officers Association has asked for more staff testing and protective gear and promised a walkout if more protections are not provided. We ask you to take all measures available to you to maintain adequate staffing during this crisis. This is essential for keeping staff, prisoners, and the public safe.

We understand that Arizona has limited testing capacity and is working to expand testing. We ask that ADCRR have priority access to obtain tests, test as many prisoners and staff as it can, be transparent with that data, and preserve adequate staffing levels. The state simply cannot respond effectively to this pandemic without knowing who has been infected and having enough staff to manage prisons.

Sincerely,

Molly Gill
Vice President of Policy, FAMM