



May 31, 2020

VIA ELECTRONIC MAIL

Mayor Kate Gallego
Phoenix City Hall
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov

Police Chief Jeri L. Williams
Phoenix Police Department
620 West Washington Street, Room 434
Phoenix, Arizona 85003
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Sheriff Paul Penzone
Maricopa County Sheriff's Office
550 West Jackson
Phoenix, Arizona 85003
P_Penzone@mcs.maricopa.gov

RE: RELEASE ALL 114 PROTESTERS WHO MARCHED IN DEFENSE OF BLACK LIVES AND DO NOT INCREASE RISKS OF COVID-19

Dear Mayor Kate Gallego, Police Chief Williams, and Sheriff Penzone:

On May 30, 2020, as millions of people marched in defense of Black lives after the murder of George Floyd at the hands of a police officer, the Phoenix Police Department arrested 114 people, including medical and legal observers. We demand the immediate release of all 114 protestors. Further, by increasing the numbers of people in jail, you are exposing their lives to heightened risks of contracting COVID-19 as cases inside Arizona jails, prisons, and detention centers continue to increase.

We write on behalf of Puente Human Rights Movement (Puente), a longtime leader in the fight for migrant justice in the state of Arizona, and Advancement Project National Office, a national racial justice organization based in Washington, D.C. Since its founding in 2007, Puente has been on the forefront of the fight for the rights of immigrant communities, and has continued to increase its ties to the community by also supporting and helping those entangled in the mass incarceration system throughout the state of Arizona. Previously, Advancement Project and Puente documented our findings on conditions inside Eloy Detention Center and inside Arizona Department of Corrections facilities in our report "The Carceral State of Arizona: the Human Cost of Being Confined" in November 2019.

The COVID-19 pandemic has put all of our communities in danger and filled us all with unfathomable worry and uncertainty. We know that these stressors are exacerbated for our most vulnerable communities – people currently incarcerated, including in immigrant detention. The only legitimate response to the COVID-19 pandemic is decarceration. Arizona has the fourth highest imprisonment rate in the United States,¹ and the State forces people to remain incarcerated for far longer than the national average.² Unconstitutional policing practices by the State’s largest police department have frequently led to the mass incarceration of vulnerable and marginalized communities members.³ The imprisonment crisis is disproportionately felt by communities of color, namely Brown and Latinx, Black, and Native communities in Arizona.⁴ Additionally, almost 1,200 people in Arizona’s prison systems are already over the age of 55.⁵ Incarcerated people are at an increased risk of exposure and death, and the consequences of foregoing the responsibility to protect their lives will be devastating.

As of May 31, 2020, according to Arizona Department of Corrections, only 1,132 of the 40,975 people who are incarcerated have been tested—a rate of 2.8%.⁶ Such a ridiculously low percentage of testing is completely unacceptable. We know that in Yuma Prison, COVID-19 cases are exploding and that the local city hospital in Yuma is over capacity and forced to find hospital beds in other parts of the state.

According to ICE’s COVID-19 statistics, as of May 23, 2020, 11 people in Florence Detention Center and 75 people in La Palma Correctional Facility had COVID-19. Of 25,911 people in ICE detention, only 2,360 had been tested and 1,327 cases confirmed.⁷ We suspect there are a lot more people who have contracted COVID-19 inside prisons, jails, and detention centers.

Continued incarceration will be a death sentence. We demand that you immediately cite and release the 114 protestors arrested on May 30, 2020. In addition, to protect our most vulnerable community members, we demand the following actions:

- Release all people who are incarcerated or detained. In particular, immediately release individuals over the age of 50 and all populations identified by the CDC as vulnerable.⁸
- Provide good time credits and release all people who have release dates in 2020 or 2021.
- Stop holding people for or releasing people into ICE custody.

¹ FWD.us, Arizona’s Imprisonment Crisis: Part 1, The High Price of Prison Growth, Sept. 2018, at 2, available at <https://www.fwd.us/news/arizona-imprisonment-crisis-part-1/> (last accessed Mar. 1, 2019).

² *Id.*

³ See *Melendres v. Maricopa County*, 897 F.3d 1217, 1219 (9th Cir. 2018), citing *Melendres v. Arpaio*, 989 F.Supp.2d 822, 895 (D. Ariz. 2013).

⁴ ACLU, “Federal Judge Holds Arizona Prison Officials in Contempt and Imposes \$1.5 Million in Fines for Failing to Provide Adequate Health Care to Prisoners,” (Jun. 22, 2018), <https://www.aclu.org/press-releases/federal-judge-holds-arizona-prison-officials-contempt-and-imposes-15-million-fines> (last accessed Sept. 24, 2019).

⁵ FWD.us, Arizona’s Imprisonment Crisis: Part 1, The High Price of Prison Growth, Sept. 2018, at 2, available at <https://www.fwd.us/news/arizona-imprisonment-crisis-part-1/> (last accessed Mar. 1, 2019).

⁶ Arizona Department of Corrections, <https://corrections.az.gov/adcr-covid-19-dashboard>; <https://www.azcentral.com/story/news/local/arizona-health/2020/05/27/az-hospitalizations-suspected-and-confirmed-covid-19-record-high/5268059002/> (last accessed May 31, 2020).

⁷ <https://www.ice.gov/coronavirus>.

⁸ Centers for Disease Control and Prevention. Coronavirus Disease 2019 (COVID-19), “If You Are At Higher Risk,” 2020, available at <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>.

- End all immigration enforcement throughout the state.
- Eliminate mandatory court appearances.
- Issue a moratorium on new bookings and carceral sentences.
- Release people from incarceration with a holistic release plan, including connecting them to emergency housing, Medicaid or Medicare enrollment, access to food, and mental health care.
- Treat any people who remain incarcerated with the dignity they deserve. Provide unlimited free phone and video calls, universal free COVID-19 testing, and unlimited free soap and other sanitation supplies (including hand sanitizer, which should no longer be deemed contraband). Corporations and vendors should not be allowed to profit from this pandemic.
- Eliminate punitive measures, such as solitary confinement or further restrictions on people's mobility. Such measures cannot replace adequate healthcare measures.
- Loosen restrictions on electronic monitoring, supervised release, or house arrest so people are able to move freely to access medical care, food, or to provide care for loved ones in need during this crisis. All requirements for in-person check-ins, including drug testing or other mandatory appearances, must be waived.
- Release all individuals who are being detained solely because they cannot afford cash bail.
- Eliminate Parole and Probation Revocations for Technical Violations.

Please do not hesitate to contact us with any questions or concerns. Please direct your questions or concerns to LJimenez@advancementproject.org and Jovana@puenteaz.org. Thank you for your time and attention to this matter.

Sincerely,

/s/ Losmin Jimenez

Project Director and Senior Attorney*

Immigrant Justice

Advancement Project

*Admitted in Florida, Maryland, and Washington, DC

/s/ Jovana Renteria

Co-Executive Director

Puente Human Rights Movement

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