

Inside / Outside

Inside Arizona's Punishment System

REPORT SERIES

DRAPETOMANIA COLLECTIVE 2021

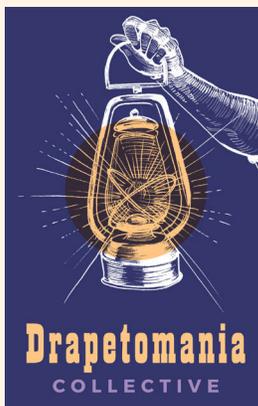
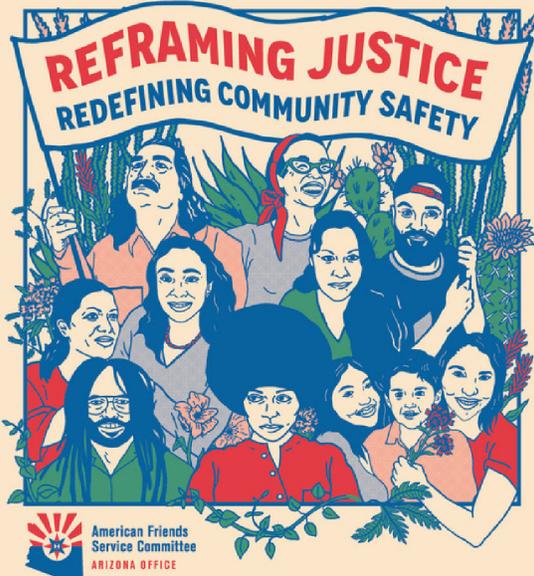




Drapetomania

COLLECTIVE

in collaboration with the Reframing
Justice Project with funding support from
Just Communities Arizona



AUTHOR NOTE

The Drapetomania Collective is an Arizona-based, inside-out, underground formation of formerly and currently incarcerated women and their impacted comrades on the outside. The following research series is the first public presentation since its formation in 2018.

Artwork by various artists currently and formerly incarcerated in Perryville and Lewis prisons. Please visit drapetomaniacollective.org to learn more.

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Inside Arizona's Punishment System

EXECUTIVE SUMMARY

DRAPETOMANIA COLLECTIVE 2021



Series Methodology & Summary



This Inside-Outside collaborative project began as a mixed-methods investigation into sentencing issues in the state of Arizona, as directed by currently and formerly incarcerated women.

To conduct this analysis, our collective formed a team of seven co-researchers currently incarcerated at Perryville along with several outside collaborators. The research design, interview questions, coding schema, data analysis, theme interpretation, section outlining, policy recommendations, and report authorship were collectively executed. This research reflects the wisdom of our collective and participants in a co-constitutive manner; our resulting analysis draws upon roughly three dozen 2- to 3-hour in-depth interviews, drift field notes, collective discussion, and extensive personal experience. In this project, as with any work attempting to investigate the truth of systems of oppression, the knowledge among those most intimately embedded within this system is paramount. Where relevant, we have supplemented our qualitative analysis with national and state-wide data as well as historical developments in Arizona's punishment system.

We have determined that, to accurately understand the consequences of sentencing patterns in Arizona, we had to analyze four overlapping sites of capture:



Pathways into the punishment system: how our people become entangled in the system, including the conditions by which our communities are abandoned and criminalized.

The fight and the decision: the jail and court process, from coercive proceedings to insurmountable sentences.

Becoming wards of the state: the punishment to which people are sentenced, including the conditions of confinement, labor, medical care, and parenting from behind bars.

The post-release life tail: the lifelong reverberations of imprisonment, the complex barriers to returning home to communities, and the difficulties in healing individually and socially.

Our research found patterns related to experiences of trauma, discrimination, exploitation, and egregious state violence from police, court officials, prison staff, and community resource agents.

These patterns were consistent across the four categories of analysis listed above. Additionally, experiences were invariably racialized and gendered:

Trauma

The Arizona Punishment System overwhelmingly entraps individuals with histories of physical, sexual, and emotional trauma, and then subjects them to compounding trauma and disempowerment at every stage of interaction with its institutions and agents while espousing rhetoric of reform and rehabilitation.

Discrimination

Communities already disproportionately affected by “organized abandonment” are targeted through policing, harsher sentencing, imprisonment patterns, separation of families, and lifelong marginalization.

Exploitation

The Arizona Punishment System is driven by a combination of vast public spending and extreme private profit, while those entrapped in it subsidize its ability to persist at the expense of their dignity and livelihood.

State Violence

Officials in virtually every segment of the system enforce surveillance and control by physical, psychological, and sexual abuse—feeding their arrest and incarceration rates through manipulation and intimidation; “securing” prison environments through restraints, assaults, and bodily violations; and structurally denying adequate shelter and employment post-release while maintaining the omnipresent threat of re-incarceration.

These findings demonstrate the correlation between “justice” and oppression reproduced by the Arizona Punishment System.

The insights from our mixed-method analysis reveal Arizona to be a grave local exemplar of nation-wide trends regarding racial and gender-based differential arrests, incarceration, extreme sentencing, and marginalization post-release.

Significantly, this series unveils the ways the punishment industry disappears and silences those of us within it and keeps most of these conclusions from the public eye. We reject this by centering our unfiltered, lived experiences enduring the violences at the core of this system.

The Drapetomania Collective and our supporters at the Reframing Justice Project of the American Friends Service Committee of Arizona signal the call for the dismantling and defunding of this retributive system; and the redistribution of institutional and social supports that have been ravaged in our communities.

Further, we call for a similarly abolitionist-oriented interrogation of reform proposals that serve to expand, rather than contract, the web of capture. We recommend policy measures that decarcerate and revoke elements of state-control and surveillance, so that our communities have increased opportunity to heal from disproportionate devastation under this system.

Finally, we embody and propose alternative notions of justice which address harm by centering care, growth, and actual community safety.

Sentencing policy recommendations we make in this series include:

- Repeal Truth in Sentencing structures, including the 85% sentence requirement
- Re-establish state parole board abolished in 1993; allow for actual early release opportunities
- Grant parole hearings to those sentenced to indeterminate sentences, including the opportunity for release for those sentenced between 1994-present (following the abolition of parole)
- Reconstruct the processes and parameters of the Arizona Board of Executive Clemency such that they provide reasonable possibility of early release
- Revise ARS. codes that disqualify applications for medical clemency for imminent danger of death; and make this option available at any time and regardless of charges
- Reduce indeterminate sentences to extend no longer than 10 years prior to parole hearing opportunity
- Disallow the sentencing of children as adults
- Repeal the felony murder statute
- Repeal mandatory minimum sentences
- Revoke discriminatory prosecutorial discretion, especially regarding pleas
- Establish routes for retaining family unification and dismantle provisions that terminate parental rights due to incarceration
- Eliminate bail, electronic monitoring and other costly punitive reforms
- Decarcerate without replacing prison time with probation or electronic monitoring
- Eliminate electronic monitoring as an alternative to bail
- Dismantle probation as punishment and remove insurmountable stipulations that justify re-incarceration

We make several ADCRR institutional policy recommendations throughout this series, including:

- Repeal priority ranking system within state prisons
- Establish means of consistent family visitation, not to be denied under any circumstance
- Grant public access and oversight of Director and ADCRR so that the concerns of those currently incarcerated are heard
- Provide adequate nutrition inside state facilities
- Provide adequate medical and mental health care inside state facilities
- Stop killing prisoners. Stop hurting prisoners. Stop violating prisoners. Hold state actors accountable for any and all use of violence.
- Provide livable wages and dignified work opportunities inside state facilities; increase prison wages for the first time since 1977.
- Create a regulating body to oversee private contracts within public prisons, including medical, communication, and commissary, regarding cost and access
- Provide re-entry resources that establish housing, employment, and counseling; make these resources available to all.
- Ensure that living conditions are livable, as according to residents and outside oversight committee
- Follow through on the obligation to provide all state issue items, including clothing, shoes, bedding, and hygiene items as required by existing ADCRR policy
- Provide free and unlimited access to feminine hygiene products
- Treat pregnant women with care and respect, including prenatal health supervision, dignified, unshackled labor, and adequate and private time with infant; ensure that male officers are never present
- Provide access to legal materials and paralegal advising

KEYWORDS

**punishment system • prison industrial complex • web
organized abandonment • “tough on crime”
criminalization • surveillance • trauma • reform • truth in
sentencing • felony murder • life without parole (LWOP)
testimonio • privatization • dehumanization • abuse
power • control • parenting • care • release • parole
registry • discrimination**

Inside / Outside

INSIDE ARIZONA'S PUNISHMENT SYSTEM:

Part 1: The Web of Criminalization

DRAPETOMANIA COLLECTIVE 2021



***For those of us who live at the shoreline
standing upon the constant edges of decision
crucial and alone
for those of us who cannot indulge
the passing dreams of choice
who love in doorways coming and going
in the hours between dawns
looking inward and outward
at once before and after
seeking a now that can breed
futures
like bread in our children's mouths
so their dreams will not reflect
the death of ours: ...***

Audre Lorde, A Litany for Survival

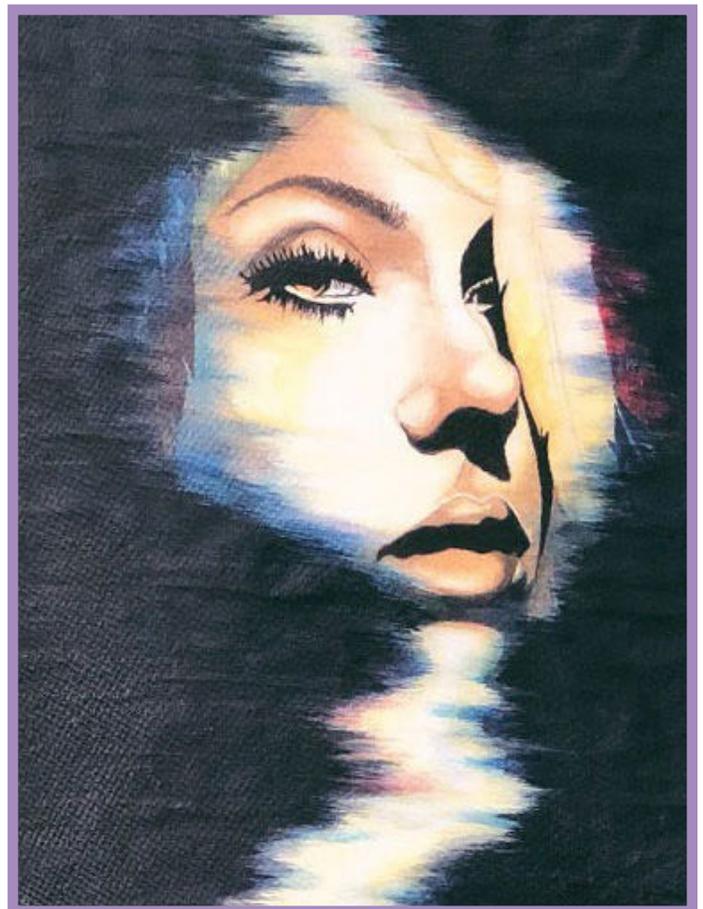
Introduction

In the first report of this four-part series, we illuminate the pathways of entrapment into the Arizona Punishment System. The following analysis reflects dozens of in-depth interviews and hundreds of testimonies from those of us who are directly impacted by this system. We center the voices of incarcerated women, a group rarely invited to the forefront of these discussions. We speak as women and mothers, but mostly as experts, with intimate wisdom of these structures.

In this report, we have identified the policies and practices that capture people by design, as well as the institutional frameworks that foster these practices and their consequences. What we found were shared patterns of *the denial of resources and safety, racial and gender marginalization, and omnipresent state harassment and violence*. The following report breaks down each of these patterns as we and our peers have experienced them – through *targeted policing, the separation of families, and the continued expansion of this web in the name of reform*. Together we demonstrate that entry into Arizona's Punishment System occurs at the convergence of systematically produced vulnerabilities to state violence.

Our analysis begins with a contextual discussion of the punishment system and its reaches. We signal to readers that this industry has grown by systematically depriving certain bodies and communities of social resources and then creating institutions to violently control them. We include insights from the historical construction of this process and the context of Arizona's nationally infamous system as well as the routes of criminalization and state abandonment that have captured so many of us. These sections

move from accounts of predatory policing to family suffering and separation, to the expansion of state capture via heightened surveillance and emerging “alternatives” to incarceration. We pay particular attention to the cyclical fallout for families and communities that must bear the burden of generations of disproportionate state violence. We center our struggles with economic hardship, socially produced vulnerability, racism, patriarchy, and disability to peel back the layers that normalize our criminalization. We seek to reveal what it's like to come from and struggle for our families and communities ravaged by state “justice.” Our testimonies demonstrate the ways dire and unsafe conditions are reproduced and preyed upon by the apparatuses of the punishment system, which seems to be ever-expanding.



Surviving Between the Fibers: The Web and its Growth

When you see someone being arrested and placed in handcuffs, what comes to mind? Do you wonder what they have done, whether they deserve it, or do you withhold your judgment because everyone should be presumed innocent until proven guilty? Behind every arrest lies a person whose story echoes a fight to exist with dignity. Our research centers these stories—to get to the heart of how it is that over 62,000 human beings are currently living in cages in our state.¹ This answer is not easily accessible by outlining charges and crime rates, or discussing “crime-ridden” areas, as many reports do. Rather, we offer the radical proposal that understanding this system requires a fundamental analysis of how it violently reproduces itself and what it replaces in our communities under the misguided notion of public safety. **This requires an undeniable recognition that we and others within prisons and jails are members of our larger community, despite being displaced from it.** Only then can we interrogate the effects of the vastly disproportionate criminalization of those on which the system feeds.

The prison industrial complex is an intangible web of individuals, institutions, and ideologies that serve to trap those who become vulnerable to its reach—it extends even as it captures. The ‘prison industrial complex’ is a term prolifically used and elaborated in the writings of scholar and activist Angela Y. Davis (Davis 1998; 2003; 2005), and was first coined by Rachel Herzing, co-founder of Critical Resistance. The ‘prison industrial

complex’ are technologies of power represented by surveillance, policing, and imprisonment that are positioned as catchall solutions to economic, social and political inequalities. **Once we are in the web, we are targeted, punished, and never actually released.** The strands attached to us extend to those around us, clutching our families and communities. This web is strengthened by every arrest, every conviction, and every sentence of incarceration.

Prison scholars Victoria Law and Maya Schenwar (2020) define the expanse of actors that sustain the “carceral web” as “lawmakers, judges, prosecutors, parole officers, and police officers” but increasingly, also “social workers, emergency room doctors, and landlords... teachers.. pastors.. school counselors... psychiatrists.. homeless and domestic violence shelters” and more. The reaches of the web that connect punishment with social welfare mechanisms (welfare here being both wellbeing and state support services) are perhaps the most illuminating threads for how the carceral machine works. **The web of capture and punishment is explicitly linked to the oppression of certain communities who, rather than receiving protection under the law, experience deeper vulnerability precisely because of it.** Critical geographer Ruth Wilson Gilmore (2007) refers to this process as part of “*organized abandonment*,” wherein the state has used increased policing and incarceration to effectively dismantle and replace social supports:

1. This value was reported in 2018 in the [Arizona profile by the Prison Policy Initiative](#), representing the 42,000 in state prisons; 14,000 in jails; 4,600 in federal prisons; 720 in youth facilities; 170 involuntarily committed; and 740 in Native country. This is in addition to the 76,000 on probation and 7,200 on parole.

[I]n urban and rural contexts, for more than 40 years, we see that as people have lost the ability to keep their individual selves, their households, and their communities together with adequate income, clean water, reasonable air, reliable shelter, and transportation and communication infrastructure, as those things have gone away, what's risen up in the crevices of this cracked foundation of security has been policing and prison. (Scahill 2020)

Beth Ritchie (2012) sees the US becoming a “prison nation” that uses “new laws and aggressive enforcement of social norms [to] reinforce...that deviations from normative behavior or violations from conservative expectations should be punished by the state” (p. 17).

The expansion of this punishment web has made Arizona the 5th most incarcerating state, in a nation that holds a quarter of the world's imprisoned population. Arizona alone imprisons a larger percentage of its residents than do many wealthy democratic nations.² According to recent reports by Fwd.us, Arizona's imprisonment rate has ballooned by 60% between 2000 and 2018. In this, Arizona is only outpaced by Louisiana, Oklahoma, Mississippi, and Arkansas. Nationally, the rate of incarceration *quadrupled* over the last 40 years; Arizona's grew to *12 times its size* over the same period (Fwd.us 2018a, p. 1-2).

When we are trying to grasp the expansion of the punishment web writ large, it's vital to note that Arizona's system is nationally notorious *both* for rates of growth and for extremely long sentences. Arizona currently spends over \$1 billion in taxpayer dollars annually on the Department of Corrections alone—not including millions spent on policing, courts, private parole or probation subsidies, school resource officers (SROs), or detention facilities and agents. This budget far exceeds spending on higher education (Grand Canyon Institute 2016)³, is double the spending on economic security, and nearly 3x that of child safety (Fwd.us 2018a, p. 4). The punishment system's web of capture extends its reach through the replacement of social services with accelerating criminalization, constantly capturing new generations. In 2017 alone, people sentenced to prison for their first felony represented 41% of all incoming prison sentences (Fwd.us 2018a, p. 13).

Arizona's Carceral History

The dark history of Arizona's prison expansion reflects decades of fiscal conservatism mixed with a racist nostalgia for taming the frontier. Distrust of outsiders, recourse to state's rights, and one of the nation's most influential “**tough on crime**” agendas rounds this history out (Lynch 2009). Frank Eyman's leadership of the Department of Corrections (1955-1972) marked the rise of a rhetoric around using corrections to enforce social stability by controlling “incorrigibles.” Eyman set the tone of social control in Arizona corrections via the degradation of inmates' dignity- over and above the physical punishment that is incarceration. While such practices were common prior to

2. AZ has a higher rate of incarceration than: UK, Portugal, Luxembourg, Canada, France, Italy, Belgium, Norway, Netherlands, Denmark, and Iceland, according to the Prison Policy Initiative report on Arizona.

3. According to a 2016 study published by the Grand Canyon Institute, Arizona is one of only four US states (including Vermont, New Hampshire, and New Jersey) that spend nearly twice as much on prisons as on higher education. The study reports: “In 2002, Arizona spent 40% more in the General Fund on universities than it did on incarceration. This year, Arizona will spend almost 60% more on prisons than universities.”

Inside Arizona's Punishment System

Part 1: The Web of Criminalization

his reign, Eyman utilized the press to proudly fan the flames of public contempt for prisoners. In an interesting foreshadowing to conditions under Charles Ryan, in response to an uprising at Florence, Eyman “welded each prisoner into his cell, as the locks had been broken during the riot, where he left them, stripped naked with only a blanket each, for several days. He justified this act to the press by saying that the inmates ‘had to learn to behave’ and needed to realize that as prisoners in his institution, they didn’t have any rights” (Lynch 2009, p. 45, citing Arizona Daily Star, 1958). Eyman also permitted medical experimentation on inmates at Florence men’s prison (Lynch 2009, p. 45).

Then Governor Jack Williams, who saw the shared role of local government and corrections as “saving a society that is facing Armageddon,” endorsed this approach wholeheartedly (Lynch 2009, p. 58). Historian Mona Lynch (2009) argues that the 1977 criminal code reform marked “the first significant incidence in which the symbolic politics trumped the practical in criminal justice policymaking to such an extreme degree within the state” that lawmakers specified their intentions explicitly and publicly toward maximizing “harsh and certain punishment” over budgetary—and legal—pressures (Lynch 2009, 97). Overtly punitive policies that targeted inmate access to programs and increased overcrowding also grew in popularity throughout the 1980s.

Perhaps most infamously, in 1987 Arizona created the first brand new, state-level supermax facility in the nation;

by 1999, the state had the second highest use rate of such facilities proportionally in the country. Additionally, Arizona set national precedent by instituting mandatory inmate fees for electricity and “room and board” and re-introducing the chain gang (Lynch 2009, pp. 122, 5). All of this occurred against a backdrop of voter suppression, extended segregation, extreme district-dependent education funding structures, “right to work” policies to halt labor rights, and state social services and welfare spending dramatically below national average (Lynch 2009, p. 24).

While 1 Arizonan in every 13 lives with a current or prior felony (Fwd.us 2018a, p. 3)⁴, we must understand the extent to which the web of capture and punishment differentially targets those Arizona communities already systematically abandoned by the state. **Specific areas routinely experience increased criminalization whereby more police means more arrests and more prison sentences, making the community’s path to prison a self-fulfilling prophecy.** As is historically consistent, over-policing, sentencing rates, and longer, disproportionately enhanced sentences are **racialized**: Black Arizonans are on average given 50% longer sentences for drug possession than whites—and receive the longest overall sentences in the state (Fwd.us 2018b, p. 13). Latinx Arizonans also face disproportionate conviction rates even where arrest rates are proportional to state population (Fwd.us 2018b, p. 16). These practices/patterns of policing and incarceration wreak havoc on the livelihood of communities, from health disparities to reliable employment to secure housing (Fwd.us 2018b, citing Fagan & West 2010; Cloud 2014).

One community that bears the extremely disproportionate burden of incarceration is the neighborhood of South Phoenix.⁵ Though only representing 1% of the state’s population, the 84041 zip code represents 6.5% of the imprisoned population in all of Arizona, costing the state roughly \$70 million annually (Greene 2011). South Phoenix contains multiple “million dollar blocks”⁶—areas where the state spends over \$1 million annually to criminalize and incarcerate

4. This number comes from research conducted in 2010, and has thus likely grown since then. Unfortunately no current numbers exist as these figures are not frequently publicized.

5. According to a presentation for the Justice Center Judiciary Hearing for the Council of State Governments, the imprisonment rate for South Phoenix (84041) is roughly 31.8 per 1,000 adults; for jail, 96.5 per 1,000 adults; and for probation, 25 per 1,000 adults.

6. This concept is used widely but most prominently by the Justice Mapping Center in New York (<https://www.justicemapping.org>).

a dense concentration of residents on a single city block (Spatial Information Design Lab, 2008). This community not only stands out in Arizona, but nationally: residents of South Phoenix are incarcerated at 5 times the national rate (6.1 per 100 residents compared to 1.09 per 100) (Center on Media Crime and Justice, 2008). As is consistent nationally and especially in Arizona, this over-policed and over-imprisoned community is predominantly low-income people of color. While Black residents make up roughly 4% of Arizona's total population, 16.5% of residents of South Phoenix are Black; and Latinx residents make up 62% of the population of South Phoenix, compared to 29% across the state. Additionally, 40% of South Phoenix children under 12 are living below the poverty line, whereas the state as a whole averages 23%. Rates of uninsured residents, education access, and premature infant mortality rates are similarly disproportionate to the rest of the state (Bureau of Women's and Children's Health, 2020). These racial and class demographics are not happenstance; they reflect and reproduce the design of Arizona's punishment system.

Arizona prison growth has also been extremely gendered. The female imprisoned population has more than doubled since 2000; the national average rate of incarcerating women increased 19%, whereas Arizona produced a 104% increase (Fwd.us., 2018c). The majority of women incarcerated in Arizona are older, white, Latinx, and those from rural areas (Ibid.). Women have been found to report far higher rates of trauma, mental health issues, and substance use (Ibid. citing S. Lynch et al., 2012; Law, 2009). These are in addition to overall patterns regarding organized abandonment and hyper-policing of racialized, low income communities.

Given the gendered experiences of social vulnerability to which women are disproportionately subjected, our stories and those of so many others reflect intimate traumas. But as poet and activist Aurora Levins Morales reminds us, "examining psychological trauma inevitably leads us to the most widespread source of trauma, which is oppression" (Morales 1998). It is through this cognizance that we are hyper aware of multiple simultaneous levels of violence operating through Arizona's punishment system.

While we know that our conditions and actions are contextual, we have often faced the punishment system alone and afraid. Our hopes have been diminished and the death of our next generation becomes more of a reality every passing day that the web becomes broader. While we have historically been criminalized for failing to conform to patriarchal standards as women and mothers, and while prisons remain institutions built by and for men, we stand in direct confrontation with the gaps in awareness regarding our lived experiences and the power structures which silence them. We share the following stories and analyses from "the belly of the beast" in order to record a new narrative, of some of the brave women who, together, form a small but integral part of this enduring, violent history of the disavowal of safety in favor of punishment.

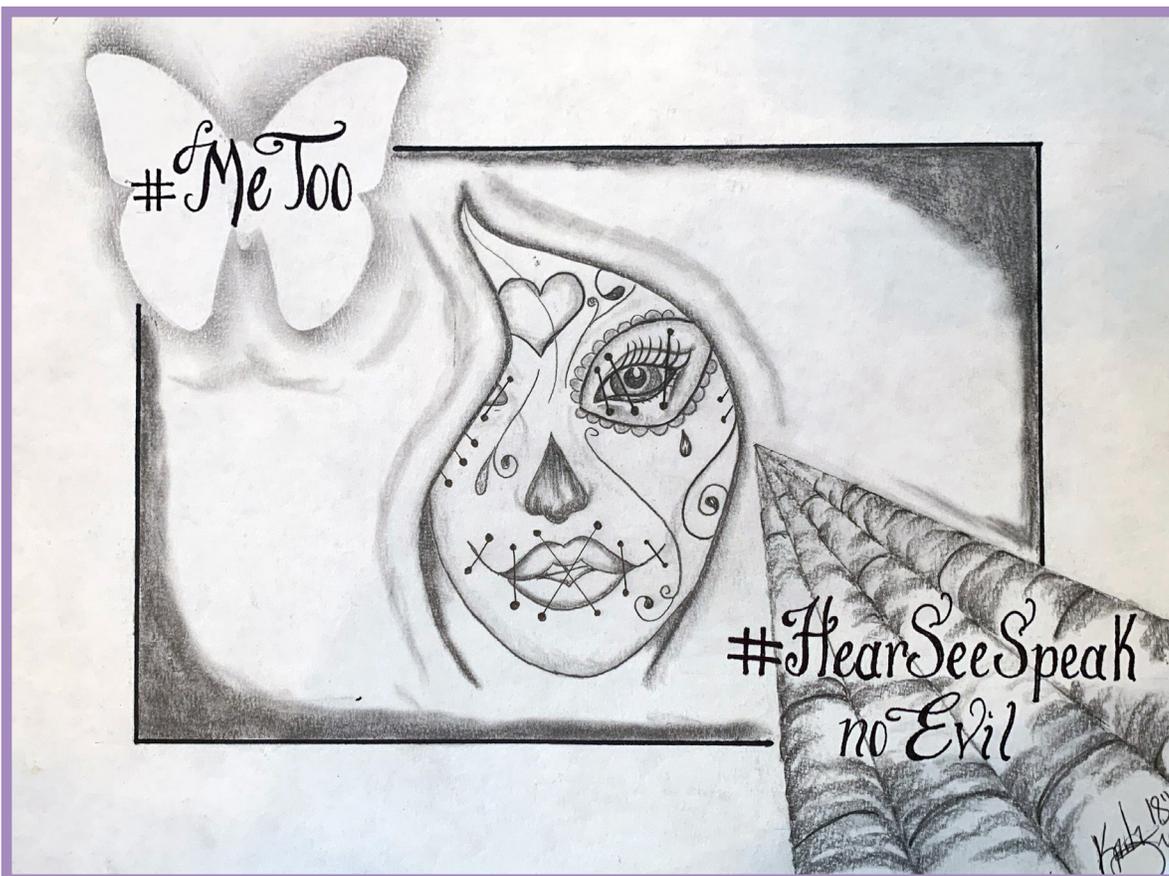
Community Targeting

In Arizona, as nationally, concentrated police presence disproportionately targets residents of cities' lowest income, predominantly non-white neighborhoods. Latinx residents have faced discrimination since Arizona's territorial days, most recently enduring Sheriff Arpaio's reign of profiling and harassment fueled by emboldened anti-immigrant racism and culminating under SB 1070 (Casey et al., 2020).

Racism in police forces is well documented, and yet this documentation has not altered the practice. Recently the Phoenix police department underwent an investigation regarding racist and violent social media postings as part of a national study by the Plain View Project. The study revealed over 170 problematic posts made by over 70 officers from the Phoenix department alone.

These resulted in paid suspensions and trainings; only one officer was fired (Casey et al., 2020).

Racially targeted policing is perhaps most visible in relation to officer shootings: according to a Department of Justice special report from 2018, police-initiated contacts were twice as likely to result in shootings of Black and Latinx residents than whites (E. Davis, Whyde & Langton, 2018). In fact, in 2018 Arizona once again became nationally infamous when more residents were shot at by officers in Phoenix than in any other US city. The Arizona Republic conducted a review of 8 years of police shootings which demonstrated consistent patterns: Black and Native American residents were shot and/or killed by police at double the rate of whites in Phoenix (Ibid.).



Throughout our research, we heard ample accounts of the trauma that discriminatory policing caused for women's families and communities. Contrary to the motto "to protect and serve," we and our participants know, and will show you here, the systemic and intimate ways the police mete out violence in the name of public safety. **Many of the women we interviewed were children when they were first followed, harassed, and intimidated by officers patrolling in over-policed communities.** Constant surveillance instilled in them a recognition and the fear that according to the state, their lives warrant suspicion.

"Agents of Neighborhood Bigotry"

Scholar of policing Alex Vitale (2018) argues that this takeaway is key to the way police keep under resourced communities on edge; as part of the "warrior mentality" where "police often think of themselves as soldiers in a battle with the public rather than guardians of public safety." This is evident in the frequency of police shootings of unarmed civilians across the nation. He argues that the introduction of millions of dollars' worth of military grade vehicles and weapons, garnered through political projects like the War on Drugs, "fuels this perception, as well as a belief that entire communities are disorderly, dangerous, suspicious, and ultimately criminal" (Vitale 2018, p. 3).

We found that it is this violence that initiates many into the punishment system because the police create, enforce, and reproduce criminality, regardless of behavior and based primarily on race, on gender, and most commonly, on socio-economic class. The practices of targeted policing have a not-so-distant history of explicit policy formation through "broken-windows policing" and its practice of "stop and frisk." Broken windows theory was popularized in the early 1990's and framed as a community minded alternative to aggressive policing. It theorized that community disorder, such as broken windows, leads to a proliferation of minor and major crime. The theory of broken windows was mapped on to the bodies of community members who were then pathologized as inherently "criminal." Stop and frisk policing emerged from broken windows theory.

George Kelling, researcher on these theories, initially promoted the efficacy of the broad idea behind broken windows: that by concentrating police patrols on misdemeanor crimes and perceived order, violent crimes would be lessened. He soon recognized that 'order' meant the criminalization of race and poverty; the overt practices of stop and frisk come from the targeting of panhandling, loitering, and simply "looking suspicious" (Vedantam 2016)⁷. Worse, Kelling's early fears regarding police abuse of authority became evident as part of the fabric of the police practice. "How do we ensure," he wrote, "that the police do not become the agents of neighborhood bigotry? We can offer no wholly satisfactory answer to this important question" (Ibid.).

7. NPR's reporting on this history links the lack of clarity around what constitutes "order" as directly translating to racism: "Even more problematic, in order to be able to go after disorder, you have to be able to define it. Is it a trash bag covering a broken window? Teenagers on a street corner playing music too loudly? In Chicago, the researchers Robert Sampson and Stephen Raudenbush analyzed what makes people perceive social disorder. They found that if two neighborhoods had exactly the same amount of graffiti and litter and loitering, people saw more disorder, more broken windows, in neighborhoods with more African-Americans." <https://www.npr.org/2016/11/01/500104506/broken-windows-policing-and-the-origins-of-stop-and-frisk-and-how-it-went-wrong>

Our research participants echoed this resignation, demonstrating the ways discriminatory policing itself served to criminalize them due to the way they looked and the neighborhoods they lived in. One of our first interviewees, Sofia, shared with us her experiences navigating constant police presence as a young teenager in her neighborhood and while incarcerated in a youth prison. Sofia would hang out outside in her neighborhood after school and often walked home with her friends. At any time, police officers would stop them, search their backpacks and harass them. She shared:

I would run and so would my friends, for no reason at all—just because we knew they were coming for us. We weren't even doing anything wrong... In juvi, one of the male CO's—six feet and two inches tall—beat me up so bad because I had an argument with another girl. I think I cussed at him. Made me hate authority figures. I was just a kid and angry at the harassment. (Sofia interview, 2019)

Sofia suggests that disrespect of people the police perceive as under their authority and control is inherent to the practice of policing- both outside in the free world and inside the community of prisons. One of Sophia's release conditions was that she not associate with documented gang members. Sofia was made to fear spending time with friends she had known since kindergarten. She was criminalized for associating with her peers, isolated, and became more susceptible to ongoing police harassment in her neighborhood.

Valentina experienced very similar targeting in her early teenage years. She watched the police violently assault her sixteen-year-old friend because of suspected gang activity. The "gang unit" pulled over teenagers walking around the neighborhood, interrogating them about being gang affiliated based on race and class.

This furthered Valentina's belief that the police were not to be trusted. The police treated the neighborhood children as if they were not to be trusted. As she put it:

You just kind of feel like you don't have the right to be. You know, you're going to be harassed. This is why I think I'm in a constant state of like, I'm a bad person or I'm a criminal: I'm seen as a criminal... You were always on the run, constantly. But you didn't know why... You're born into it. You're born into a state of paranoia. (Valentina interview, 2019)

Valentina ultimately learned that running was a better option than being bullied and potentially assaulted, as she had watched. Wisely, she chose to adapt for the sake of self-preservation in the face of indiscriminate harassment: “we can’t trust the police; it’s us against them in my hood” (Valentina Interview, 2019).

For several of the women we interviewed, their first interactions with the police were when they called for help and were instead met with an officer’s disregard and their sole determination to make an arrest. Lily was first arrested under a dual arrest statute when she called the police during a physical altercation with her partner (Lily Interview, 2019). While such statutes create an image of impartiality, the all-too-frequent consequence is that the victim is not believed and is instead entrapped in the system for calling the police. This practice is often discouraged by policymakers and organizations for survivors. Another interviewee, Zumaya, had also never encountered the police before she called them for help. Her ex-husband and his girlfriend had kidnapped her infant son and threatened to keep him hidden until Zumaya signed over custody to his father. The police told her there was nothing they could do. At that response, Zumaya’s mother became frantic and rather than console her or address the situation for which they were called, the officers handcuffed her, arrested her, and charged her with assaulting an officer. The police also carted off Zumaya’s elderly mother and did nothing for her son (Zumaya Interview, 2019).

Our research reflected that the overwhelming majority of our participants were subjected to disrespectful, profiling policing practices in their communities. For those of us from neighborhoods like these, the police introduce us to this system by treating us like threats even when we are in need of help. We are conditioned by the police that we carry in our bodies a threat of criminality and, from then on, we become the population that this system targets repeatedly. This threat is largely determined by our race, class, and the profiling of the neighborhoods in which we live. The ability to challenge these practices, Vitale (2018) argues, is a matter of political capital, which has been historically withheld from abandoned communities subjected to targeted over-policing.

Lawyers advocating for the diverse makeup of Phoenix’s newly minted citizen review board argue that this difference in political capital is key:

People from heavily policed communities are not only more likely to be invested in helping the police reform, but also simply have more information on how the police behave... People from ritzy Phoenix communities can easily influence politics through their greater money and access to officials, but the voices of poorer neighborhoods are frequently excluded.

(“Police Review Board Must Represent”, 2020)

However, state lawmakers have swiftly acted to ensure citizen oversight boards, which have been sought in several Arizona cities following worldwide protests for racial justice in 2020, reflect the political interests of police first and foremost. Already successful bills require that citizen boards are comprised of 2/3 active officers, while the few remaining civilian members will be required to undergo 80 hours of police training indoctrination.⁸ While the extent of police violence, qualified immunity, and community oversight projects is beyond the scope of this report, it is important to take note of the grave lack of accountability that serves as the backdrop to the abuses our research reveals.

The guise of safety and dignity for some has meant the discriminatory treatment of others who are continually subject to disproportionate

vulnerability to state violences. Alex Vitale (2018) reiterates how this process grew directly out of broken windows ideology, “and is at root a deeply conservative attempt to shift the burden of responsibility for declining living conditions onto the poor themselves... [with] increasingly aggressive, invasive, and restrictive forms of policing that involve more arrests, more harassment, and ultimately more violence” (Vitale 2018, p. 7). Scholar Lisa Marie Cacho argues that the criminalization of gang activity, for example, is inherently connected to the preservation of whiteness and class status because it “simultaneously valorizes middle-class America and also validates the historical and present-day practices that work to isolate, segregate, and alienate criminalized neighborhoods of color” (Cacho 2012, p. 63).



8. <https://apnews.com/article/death-of-george-floyd-george-floyd-arizona-bills-government-and-politics-81e4707928b8cc308a90129bafa4fdcd>

Cyclical Cause & Effect

For decades, poor people—particularly people of color—were immobilized in city centers through federally enforced redlining. Redlining is a racist practice that places goods and services out of reach for people of certain races or from certain geographic areas. Redlining legalized segregation far into the 1980s (Rothstein 2017). Redlining intentionally restricted housing and employment opportunities for neighborhoods of color, hit the hardest by increasing globalization that has outsourced work, especially previously unionized work, to the global south. “As job cuts hit these communities,” Julia Sudbury, co-founder of Critical Resistance and prominent prison scholar explains, “they were devastated by pandemic rates of unemployment, a declining tax base and resultant cuts in social, welfare, educational and medical provision” (Sudbury 2005). The geographical lines officially drawn through redlining, gentrification, and other zoning practices have extended the resounding effects of organized abandonment across generations (Gilmore 2007).

Policies like redlining and cuts to social welfare during the 1960s were paired with increasing public fear of resistance from people of color, epitomized by Black power movements demanding just resources for their communities (Alexander 2012; Gilmore 2007; Berger 2014). At the height of Black power and multiracial civil rights organizing specifically challenging economic and social inequality, coded tropes like the “welfare queen” and the “dangerous criminal” became popular as President Lyndon Johnson waged his “war on poverty”. This was largely inspired by President Nixon, who contended that the US was at war with an “enemy within” (Alexander 2012, pp. 40-58). While Johnson’s administration promoted the Civil Rights Act of 1964 and the Voting Rights Act of 1965, it also promoted programming informed by the Moynihan Report, an extensive articulation of the pathology of the Black family written to justify racist ideology and policy. White journalists, theologians, and social scientists like Daniel Patrick Moynihan, Edward C. Banfield, and James Q. Wilson explained “black poverty as a fact of American life and crime and violence as somehow innate among African Americans” and subsequently called for the “divestment from community action programs and other social welfare initiatives,” to be replaced by police and prisons (Hinton 2016, p. 21). The Moynihan Report was used as a rationale for both supporting and monitoring Black communities who were deemed incapable of self-determination. This reflected direct undermining of Black

power organizing that served the needs and dictates of the abandoned communities for themselves. As author Michelle Alexander articulates, “Civil rights protests were frequently depicted as criminal rather than political in nature, and federal courts were accused of excessive ‘lenience’ toward lawlessness, thereby contributing to the spread of crime” (Alexander 2012, p. 41) This had the increasing effect of legitimizing racist sentiment against those already marginalized by racist policies, and illuminated the connection between *poverty conditions, the demands for justice and safety arising from them, and the response of criminalization.*

The effect on policing followed in step. Arizona’s own Barry Goldwater built upon this energy in his 1964 presidential bid, calling for “tough on crime” solutions to control and reprimand the “mobs in the street” (Alexander 2012, p. 41) The Watts riots erupted in South Central Los Angeles the following year, in protest of increasing racialized brutality from police. White terror spread following riots in Newark and Detroit, which were contemporaneous with rising student anti-war protests. Then in 1968, riots ensued in 125 cities following the assassination of Martin Luther King, Jr. Racist fears that considered this resistance criminal sparked rampant calls for “law and order.” The move to increase criminalization in communities of color was thus solidified. Historian Elizabeth Hinton (2016) has pointed out that Johnson’s signing of the Law Enforcement Assistance Act in 1965 eventually institutionalized the powerful Law Enforcement Assistance Agency under Nixon by 1974 and the Safe Streets Act of 1968 as key policies in legally codifying racist policing (Hinton 2016).

The practice of responding to struggling communities with heightened surveillance and punishment became normalized, even as such conditions worsened. Law and Schenwar write: “This drive to disappear certain groups of people—including those who might otherwise need public aid or services—coincided with the demolition of the social safety net in the 1980s and 1990s” (Law & Schenwar 2020, p. 15). As we will discuss further in our second report, this era framed many significant sentencing structures that multiplied sentence lengths and broadened categories of criminality in a concerted effort to incarcerate more people. The incarceration of economically marginalized people proliferated through increased policing in predatory ways. Some of the most violent measures of racialized “crime control” were exerted

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under Nixon, including “Stop the Robberies, Enjoy Safe Streets” (STRESS) in Detroit and the federal COINTELPRO operation (Hinton 2016, pp. 192-205). Under Nixon, the powerful Law Enforcement Assistance Agency assumed vast social welfare responsibilities and made access to such resources contingent upon police interaction and surveillance. The Ford administration oversaw the implementation of means of *predicting* crimes by locating “potential criminals” among Black youth, primarily through interactions in schools, after-school programs, and housing project mini-stations (ibid. p. 178; 222). These measures, Hinton (2016) argues, were key in *creating* the crime against which the Wars on Crime and Drugs were waged. Following this, the incarceration web and its warehouses, jails and prisons expanded exponentially (ibid.)

How does one begin to unravel the narrative of law & order? It is unfortunately easy to normalize the practices of targeted policing and criminalization of race and class without understanding history. **Our research demonstrated the generational effects of these practices, from constant police presence in our communities to the insurmountable degree of state violence our families face once someone has been entrapped in this system.** We found that the pattern of generational incarceration is directly attributable to the state’s systematic practices of generational abandonment and capture—the ways the web expands and contracts. **The attempt to meet dire needs with punishment instead of support only exacerbates these generational effects.**

It is estimated that roughly 88% of incarcerated women in Arizona currently suffer from “moderate to intensive substance abuse treatment needs,” while national research reveals that two out of every three families is unable to meet the expenses of basic livelihood while a family

member is incarcerated (Fwd.us 2018c).⁹ As we will expand upon further in our other reports, **imprisonment has been shown to worsen, rather than resolve, financial and health needs.**

One of our interviewees, Donna, shared the ways familial incarceration harmed her family and her future. For years, Donna’s mother was in and out of prison. She struggled with addiction and poverty and got by doing sex work. Her mother became pregnant during her last incarceration, after she had been repeatedly sexually assaulted by a corrections officer employed by Perryville. Donna was born in the prison and was taken away as an infant, given to her aunt to be raised. The trauma of the assaults and losing Donna caused her mother to spiral into deeper to substance dependency. After a brief release, she was incarcerated again, and committed suicide while Donna was still very young. “My mother was treated as if she was a monster,” Donna said. The effects of her incarceration only inflicted further violence through control and stigma. “And I know that rejection now, being an adult. It probably severely added to her lifestyle and wanting to cope with society and our family’s rejection... she ultimately took her own life” (Donna Interview, 2019). As Donna struggled to get by without support, this unbearable and unresolved trauma made her more vulnerable to the invisible web of the punishment system.

9. Data from Fwd.us report “Arizona’s Imprisonment Crisis: The Harm to Women and Families.” <https://www.fwd.us/news/arizona-imprisonment-crisis-part-3/>. Citing a study by the Arizona Department of Corrections and research from the Ella Baker Center regarding the costs of incarceration. <http://whopaysreport.org/>

Now serving a 10 year sentence, Donna recounts:

I was still feeling something very empty trying to understand the loss of my mom... it was heavy on my heart.

(Donna Interview 2019)

After Donna survived a brutal domestic attack by her husband, who strangled her so badly he damaged her vocal cords and she was unable to speak for weeks, Donna fell into deep and dangerous depression. She found herself traumatized, unsupported and in dangerous settings surrounded by drugs, just hoping to cope with depression by “being around people who made me feel better, made me feel alive, because I was so dead inside” When Donna was arrested, her child was taken away from her, in the same way and by the same system that separated her from her mother.

I grieved and cried so hard from the loss of them taking my baby out of my hands at 2 in the morning. (Donna Interview, 2019)

Lanae shared her family's experience with generational entrapment and her fears regarding the fate of her young daughter. Lanae was left by her mother at the age of seven and did not know at the time that her mother was beginning to use

crack and developing a dependency.

Lanae's mother was first incarcerated in the 80s and was in and out of prison throughout the next twenty years. As we have found is common, her addiction did not improve but worsened through her multiple incarcerations, lasting throughout Lanae's childhood. Lanae was raised by her father, who had to work long hours to support her and her sisters. Lanae reflected, “He did the best he could to financially support us in the absence of my mom” (Lanae Interview 2019). The effects from the loss of Lanae's mother to the punishment system damaged Lanae's mental health, her family's financial status and, now that Lanae is imprisoned, her own daughter's wellbeing (Lanae Interview 2019).

Our research demonstrates that incarceration affects entire families by removing yet one more source of economic and emotional support from families and communities often already marginalized and targeted. Individuals, families, and communities are burdened with a distinct disadvantage due to the loss of their people. When we reflect once more on the political bases for criminalization, the targeted generational effect of such violence is maddening and often inescapable.

Trauma and Social Vulnerability

The punishment system disproportionately entraps those who have experienced trauma and financial hardship. **Exceedingly often, women caught in the web have histories of sexual, physical, and/or emotional abuse; every single one of our female participants reflected this pattern.** In our third report, we will share more specific ways the experience of incarceration replicates the structure of abusive relationships but suffice it to say for now that prison is not a place to heal. Nor is it a place to address poverty or dependency. Poverty, like experiences of abuse, has been shown to be disproportionately worsened by incarceration. A national study by the Ella Baker Center found that “poverty, in particular, perpetuates the cycle of incarceration, while incarceration itself leads to greater poverty.” This pattern is reflected in both prison facilities and new admissions to jails; “Estimates report that nearly 40% of all crimes are directly attributable to poverty and the vast majority (80%) of incarcerated individuals are low-income. In fact about two-thirds of those in jail report incomes below the poverty line” (DeVuonopowell et al., 2015). **Our research on the effects of interpersonal and state trauma illustrate the ways the punishment system serves to criminalize those seeking refuge and stability.**

Sofia ended up in juvenile hall by the time she was 15. She was raised by first generation Italian immigrants who both worked long hours. Her mom was married to her father at the age of 16, having been emancipated by the court due to physical abuse from her father, Sofia’s grandfather. Sofia describes the path in her youth from coping with trauma to getting caught in the web:

Being young parents was hard for my mom and dad. They didn’t have a lot of patience with us and hit us a lot. At age 13 I went nuts and didn’t listen. I had a boyfriend my parents didn’t approve of. The physical abuse got worse so I turned to my friends. When I didn’t want to stop dating my boyfriend, it got really bad. Move forward a few years and the incident that landed me in juvi was when a group of male officers jumped on top of me one day. As I struggled to get free, one lied and said I hit him so that I could be detained. Then they hit me with stealing my parents’ car. My parents owned it but they gave me that car... I look like shit on paper to this day. I am now 43. My first time in prison was at 30. This is my second time. My son has been to prison. I am serving 15 years for marijuana. My life has been a rollercoaster. (Sofia interview, 2019)

Sofia reflected that her abuse affected her ability to assess risk and her ability to form healthy relationships. So many of our lives were propelled in these directions because we lacked support and resources.

Zumaya became overwhelmed and burdened by her finances and the need to support her family when she was only 23. Her husband decided to quit his job and go to school full time. She made a choice to pay herself a little extra so she could buy diapers and put food on the table. Once her employer became aware, they pressed charges

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and arrested her. She was sentenced to 9.75 years for fraudulent schemes. But her incarceration wasn't her only punishment; Zumaya was pregnant at the time of her arrest and gave birth in prison. She describes the dehumanizing experience: "I was chained to the bed and they ripped him out of my arms. I did not get to heal from that trauma" (Zumaya Interview 2019).

No matter their age, women are often disproportionately burdened with the responsibility to support and protect their families. We have found that this is especially true among us.

One of our other interviewees, V, described how ever since she was young, she carried the weight of her family and their struggles. She managed a lot of the household duties, from cleaning to bills to grocery shopping, to making sure her siblings did their homework. When V was eleven, her 16-year-old brother was shot as a bystander to gang violence at a party. Her mother lost herself, and her father's drinking and his mental and physical abuse worsened. Her mother, plagued by grief, chose to check herself into a facility, leaving V, her two little sisters and three older brothers in the care of their father. While her mother was away, V took care of everyone. She reflected on that time with us: "Why did I have to be the one responsible for all of that when I was just a kid? And my sisters didn't understand. My little sister kept waiting for my brother to come home" (V Interview, 2019).

V's youngest sister attempted suicide after their brother's death, first at age eight and then again at age ten. V caught her using meth at thirteen. Navigating all of this compounded trauma affected their entire family. The trauma of losing her brother stays with V to this day. As she said, "There was always a void inside me and I knew

that void was not being able to ask my older brother for guidance" (V Interview, 2019). Her family's inability to process his death caused her to struggle with intense anxiety.

Every time my parents would fight, I was the one who would jump in. And so I'd catch a beating along with my mom. I did that for years, always did, and it kind of messed my mind up... I'd have nightmares. I'd wake up in cold sweats and couldn't sleep.

(V Interview, 2019)

As we pointed out above, every one of the women we interviewed had experienced some form of abuse during their lives prior to incarceration. This combined with gendered expectations to make do, no matter the circumstances, reflect the way structures of oppression intersect – to be female and in poverty and criminalized. Jill McCorkel, a scholar on women's imprisonment, writes:

Women are expected to take ownership of their problems and resolve them by learning how to make the 'right' choices even when, in many instances, the situations they find themselves in are not an outcome of choice.

(McCorkel 2013)

No matter the situation, our research also found that women are disproportionately criminalized for being unable to protect their children.

When these patterns collide, the effect on lives is overwhelming.

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Angie's story is hard to bear. She shared with us: "To say some of the things that I went through in my childhood were traumatic is really a gross understatement. It was sexual abuse. It was physical abuse. It was emotional abuse... It was the things nightmares are made of" (Angie Interview, 2019). Angie attempted suicide for the first time when she was twelve. She kept her abuse secret for all of her adolescence, trusting no one and hoping she could protect herself. "I really felt like at 15 I wasn't gonna survive to 18," she said (Angie Interview, 2019). This fear almost became a reality, but she was brave enough to escape for the first time. Still, her struggles left her with nowhere safe to land. She shared:

I was just an incorrigible teenager who ran away from home. They put me in a shelter. We went to court. My grandmother stood up in court and said she couldn't take care of me. My father was scared to death of the things I was going to say. They sent me back to my aunt's where I had just tried to commit suicide. And I probably stayed for about, maybe six more months, and then I ran away from home. (Angie interview, 2019)

Angie was never able to find safety. As a scared child, she hitchhiked from Florida to Arizona, where she discovered she was pregnant. An older man took her in and abused her and her son. Her nightmare had come full circle. As a result of failing to protect her child from this man, Angie is currently serving a 61-year sentence for harm he inflicted on her son. She was 17 when she was arrested.

The generational effects of trauma can be devastating. Underlying issues are confined to the privacy of the home, and women's responses are then individualized and criminalized.

As poet Aurora Levins Morales writes, oppression operates by "making it look like the reason we're thirsty is not that we're being denied water, but our own lack of initiative in the midst of plenty."

(Morales 1998)

So many of the women we interviewed were not the first or only ones in their families to experience abuse or poverty, or to struggle to cope with generational traumas resulting from racism and sexism. Whatever these women's charges are, we must remember that we can be both targeted and do harm—and we include you, our readers, in this assertion. We have to hold both in order to envision the justice that is actually needed, which must include social supports and real processes to make amends. And we must confront that a devastating percentage of women in prisons have pasts that are inconceivable to confront in the violent environment of prison. How do we heal?

The Battle for Parental Rights

When a mother is arrested, she not only faces her own entry into the punishment system, but this entry also often means the loss of her children to another industry: the foster care system. Like the consequences of incarcerating a providing member of a family in predisposing others to the web of the punishment industry, children entering the foster system are predisposed to state surveillance and deeper insecurities. While Fwd.us recently published that 53% of their study's respondents had a dependent, minor child, *over 80% of the women we interviewed did* (Fwd.us, 2018c). Scholar Mariame Kaba has referred to the foster care system as the “child kidnapping system”—“a set of practices that break apart families and punish marginalized people, much like the prison system itself” (Law & Schenwar 2020, p. 124). This characterization is relevant given the rapidly expanding use of both foster care and the total severance of parental rights.

Family separations through foster care increased 10% between 2012 and 2016 (from 387,600 to 437,500) and total termination of parental rights increased by a dramatic 60% during the same period. The federal government spends roughly \$7 billion annually reproducing foster care and adoption institutions, but less than 8% of that amount (\$546 million) on child abuse prevention and family preservation programs (ibid., p. 132).

Both short and long sentences sever bonds and destroy families. Arizona has one of the highest rates of adoption and does not offer reunification when a mother is incarcerated. As Sofia experienced, “They made it very difficult for all of the women to reunify with the standards that CPS requires” (Sofia Interview 2019). None of the programs that are required for reunification are offered at the county jails. Donna describes these hurdles:

After spending 21 months (almost 2 years) in Estrella Jail in Maricopa County fighting for my freedom, I was also trying to keep my 5-month-old son from getting taken away by CPS. During this time of being in custody, CPS was requiring specific steps to complete family reunification including classes and testing. However, the jails did not afford such opportunities to support child/parent reunification due to my classification level. After multiple grievances and attempts to find outside resources to meet the CPS requirements with no luck... I was then sentenced to 10 years in prison. My child was under 2 years of age, which allows CPS to support the severance process and adopt out quicker... This moment felt like death. I cried and cried. I couldn't even say goodbye to my baby boy who was only 5-months-old. I am still devastated, 5 years later.

(Donna interview, 2019)

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The hurdles to reunification indicate that the revocation of parental rights is an unspoken sentence of its own.

Sofia also struggled with systemic obstacles and, like Donna, lost her child as a part of her sentence to incarceration. Her daughter was only 1 year old when Sofia was sentenced to 2 years. After completing parenting courses and all mandated requirements, her daughter was adopted just a few months before her release.

When I got out, nothing worked — Prozac and other anti-depressants. I couldn't stop crying for the loss of being a mom to my three-year-old. (Sofia Interview, 2019)

Some children stay in foster care or are left in group homes, and are certainly left with feelings of abandonment. Some get split up from their siblings. Sarah's childhood echoed this process. She was taken away and put in foster care, and all four of her siblings were separated. "I was so lost my grades slipped, I was angry and kept running away. I was trying to find my mom and didn't know how to find her. It was the end of my world" (Sarah Interview, 2019). Sarah is now serving a 10-year sentence. Her parental rights were also severed, and her daughter now lives with her sister's adoptive mother. As this shows, the multi-generational cycle hinders families and communities in ways that are devastating, and somehow accepted as normal, collateral damage by the punishment system.

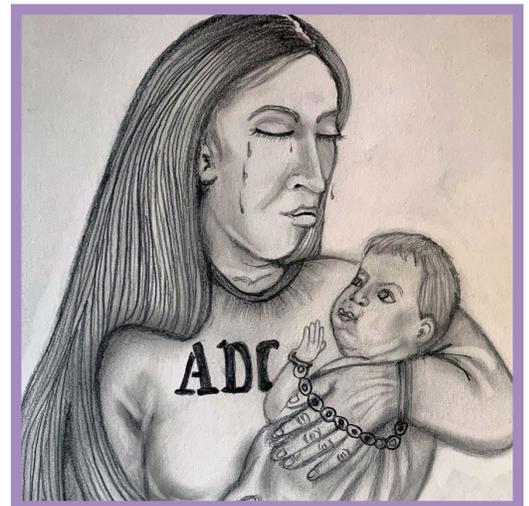
We aren't giving up our kids, they are being taken away, stolen from us.

(Sofia Interview 2019)

Foster Care and the Web

Studies have demonstrated that children in foster care are more prone to struggling due to a lack of security. Additionally, exposure to institutional control in place of family care has been shown to integrate children displaced by the state into the punishment system's web. Law and Schenwar (2020) cite a University of Chicago study that demonstrated that "the majority of former foster youth (43% of women and 74% of men) surveyed had been incarcerated by age twenty-six" (Law & Schenwar 2020, p. 131).

Those of us entrapped in this system can truly see the devastation that incarceration imposes and the root of why socioeconomic, educational, and health disparities are getting more extreme than ever. Rather than radically approaching social issues like these with a socialized response, we individualize, pathologize, and criminalize. We use prisons as warehouses for the people we don't want to confront we're failing. People are not afforded any real opportunity to heal from trauma or find routes to rectify harm and caging a traumatized person does not help. Incarceration causes more than a ripple effect; it so often deliberately includes the entrapment of our next generation. The criminalization of women especially points to this unspoken and related means of punishment. Incarceration devastates families and communities long before, and long after, actual sentencing.



Expanding the Web

In their recent book, *Prison by Any Other Name*, Victoria Law and Maya Schenwar extensively research various modes by which the punishment system has proliferated in the name of reform. These include the correlation between social services and policing, as described above, as well as emerging tools like electronic monitoring, drug courts, mandatory treatment programs, sex offender registries, foster care systems, expanded and militarized policing, and in-school policing and surveillance. These ancillary forms of punishment and surveillance blur the lines upheld by prison walls. They warn readers interested in dismantling the reaches of the punishment system of counter-productive reform efforts; they write: “often, limited reforms—instead of shrinking the web or taking it down—weave in new strands of punishment and control” (Law & Schenwar 2020, p. 9).

These varying manifestations of the criminal punishment system raise the question of what defines a prison. Is it bars and steel? Bland khaki uniforms? A door that locks from the outside only? Is it the eyes of authority probing you at all times? Is it the hands of authority, manipulating you, hurting you, rendering you ‘criminal’? Or is it more amorphous: a combination of the ways that the state acts on people—in particular, marginalized people—without their consent? There is unique gravity to an actual prison sentence, the violence of locking a human being in a cage. Yet the system is broader than the buildings called ‘prisons.’ Manipulation, confinement, punishment, and deprivation can take other forms—forms that may be less easily recognized as the violence they are. (Law & Schenwar 2020, p. 8)

The overshadowing of conditions of marginalization in favor of “tough on crime” ideology and policies has historically affected progressive reform efforts. Angela Y. Davis reminds us that the prison itself was a mode of reform – originally from public, corporal punishment and later from enslaved and convict labor (Davis 2003). Today, calls for reform are shared between conservative groups like the Koch brothers and the Right on Crime initiative and liberals alike, all of whom echo the sentiment that prisons indeed must exist, but should be prioritized for those “people we are afraid of.” Even proposed reforms that fixate on “offender redemption” reproduce the

same logics embedded within the deeply violent Moynihan Report upon which Johnson, Nixon, and Ford relied to rationalize racist policing and incarceration practices (Law & Schenwar 2020, p. 4). Law and Schenwar argue:

This emphasis on ‘redemption’ tends to ignore or minimize the prison nation’s foundations in structural oppressions such as racism, classism, and ableism. Instead, it suggests that the current brutal form of punishment can be replaced in certain circumstances (usually involving people whose crimes are deemed nonviolent) with a less brutal, more compassionate ‘alternative,’ while still placing guilt and blame squarely on the individual. (p. 9)

Studies have shown that reforms that integrate the punishment system’s web of surveillance into communities typically increase repetitive capture. Law and Schenwar (2020) cite a 2018 study by the Brookings Institution that demonstrated that “intensive supervision actually increases, rather than decreases, the chance that someone will be rearrested and reconvicted” (ibid., p. 35; Doleac 2018).

Significantly, some reforms actively create new, lucrative modes of criminalization, entrapping people who would previously have remained free. Electronic monitoring is one such reform, proliferating with the increasing use of probation as an alternative to incarceration. The US probation rate now outpaces the European rate by over 400%, while “A 2012 analysis in the Washington University Journal of Law and Policy notes that... if electronic monitoring was not an option, ‘at least some of these populations would not in fact be incarcerated or otherwise under physical control’” (Law & Schenwar 2020, pp. 89; 30). The use of electronic monitoring for immigrant detention services has ballooned its industry and profits. BI Incorporated, one of the US’s primary monitoring corporations, served Immigration and Customs Enforcement for just under \$1 billion worth of contracts from 2004-2010 before being purchased by GEO Group—the “world’s largest private prison company.” BI generated over \$1.6 billion in profits during its first year under GEO Group and now produces monitoring technologies for over 900 federal, state, and local agencies (Law & Schenwar 2020, p 41).

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The web of capture does more than trap us inside it; it latches onto us and expands itself via capital investment. This is particularly true given the socioeconomic demographics of those of us whom it captures. Companies profit through contract convict labor; through commissary, telephonic communications, and other resources inside facilities; and through healthcare contracts. Drugs, medication, and substance dependency feed the punishment industry. This dependency is then facilitated inside through neglectful but profitable providers. We will discuss in our third report more of the ways those of us inside generate profit through the court and incarceration fees and services. Could all of this money be a deterrent to lawmakers and legislators to enacting sentence and prison reform? We think so. Could these profits have something to do with the ways our communities are criminalized and locked up by the thousands? We think so, too.

The numerous financial incentives for expanding the web of criminalization are perhaps most evident in cases involving drug dependency paired with long sentences – of which we saw many throughout our research. Joanna, who had rotator cuff surgery and was prescribed oxycodone for a long period of time, became dependent upon her medication. When she could not afford health insurance after her disability lapsed, she sought street drugs which was the cheapest route for continuing to manage her pain. She explains, “My quality of life diminished because I could no longer function without my medicine and the pain was unbearable” (Joanna interview 2019). Now sitting in prison, she is one of many that became trapped by drug laws despite getting hooked by legal prescriptions issued by suppliers who profited from her usage. She

says, “No one offered me a drug program or physical therapy/pain management” (Joanna interview 2019).

While our experiences with targeted policing and the separation of our families speak to the forms by which the web has expanded, we include these points to also further our abolitionist lens toward reform. Law and Schenwar (2020) propose:

When evaluating whether reforms are helpful or harmful, a key question should always be: Are these reforms building up structures that we will need to dismantle in the future? (p. 22)

Every single woman we interviewed has experienced some form of abuse and/or trauma. Most of this trauma has not been dealt with and being in and out of prison only perpetuates trauma and the cycle continues. Our community must choose people over profit and embrace compassion and support over imprisonment. **So long as the targeting and blaming continues, we fail to see the very real problems we can solve through community collaboration and investment.** We may sit here discarded, but our resilience embodies that commitment to ourselves and one another, and we intend to lead the way forward.

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Inside Arizona's Punishment System

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Inside / Outside

INSIDE ARIZONA'S PUNISHMENT SYSTEM:

Part 2: Extreme Sentencing and the Abolition of Early Release

DRAPETOMANIA COLLECTIVE 2021



***For those of us
who were imprinted with fear
like a faint line in the center of our foreheads
learning to be afraid with our mother's milk
for by this weapon
this illusion of some safety to be found
the heavy-footed hoped to silence us***

Audre Lorde, A Litany for Survival

Introduction

In overcrowded jail cells, we wait to be sentenced, to be granted some semblance of stability after having been ripped from the outside world. Sitting on the cold concrete, trying to wrap our minds around the charges we were accused of, simultaneously we desperately wonder, “Where are my children at? Are they safe? Has my family been notified?” Worrying about our family’s terror regarding what just happened, all we can think about is the look on our children’s faces not having any understanding of what is going on. We head to the phones to face the chaotic lines, 30 people in a 12x12 cell, all praying that somebody will answer their calls on the other end. Our worries spiral to our pets, jobs, homes, caretaking duties, the car left on the side of the road. Little did we know that the next 24 hours would turn into years fighting for our lives. Our arrests occurred when we were struggling just to get by, when we finally stood up to our abusers, when we had been pushed by force or desperation into settings we never wished to find ourselves in. Our arrests mark the worst day of our lives—so far, perhaps.

For this second report in our four-part series, we articulate some of the forms of systemic abuse one faces once one reaches the sentencing stage of the Arizona punishment system. Although we are taught to naively believe in the sanctity of due process from trial to appeal, our research reveals instead a series of staggering institutional and extralegal forms of disempowerment and disavowal.

After experiencing the hardship and trauma so many of us report here, we are subjected to the severing of our families and relationships; intimidation and abuse by state officials seeking a conviction by any means necessary; and political and policy tribulations that ensure we will be entrapped in this system for as long as legally possible, and sometimes more.

This report, like our entire series, centers the expertise and wisdom of those of us most unfortunately close to the problems at hand. In so doing, we reject categorizations of us that impose limits and qualifiers to whether or not we deserve dignified treatment. Instead, we embrace the radical notion that no one deserves the horrors of the punishment system; and we intentionally interrogate the sentencing structures and policies that most gravely result in a life in its entrapment.

We focus on the ones who are poor, who are afraid, who are the lifers, the sex offenders, the survivors. These are our people, and we are them. We are the ones whom this system most wants disposed, so we are here to expose the logics and hypocrisies of how that disposal occurs. It begins with arrest and the realization that we may never leave, no matter how hard we fight.

The Costs of Bail

As a constitutional right, we should be presumed innocent until proven guilty; but once arrested and detained, your pre-trial innocence becomes dependent on whether or not you are able to afford your bail.

According to recent data from the Prison Policy Initiative, roughly 74% of the over 630,000 people currently held in U.S. jails have not yet been convicted (Sawyer & Wagner 2020). This population comprises “virtually all of the net jail growth in the last 20 years,” reflecting the financial and policy driven expansion of criminalization. There are more people spending longer stretches in costly pre-trial detention precisely because they lack financial resources for bail.

The ACLU Smart Justice project argues that this conundrum presents a serious threat to the constitutional protections of due process and the right to a speedy trial under the Fourteenth and Sixth Amendments, as well as the prohibition against excessive bail included in the Eighth Amendment (American Civil Liberties Union, 2019).

Defendants face an impossible choice: sit in jail as the case moves through the system; pay a nonrefundable fee to a for-profit bail bonds company; or plead guilty and give up the right to defend themselves at trial. (ibid.)

The Context of Bail Assessments

The United States and the Philippines are the only countries in the world that operate commercialized, for-profit bail industries (Bauer, 2014). There was a national movement during the 1960s to dismantle the bail system, including research indicating it was unnecessary to ensure defendants' presence in court. The 70s and 80s then broadened capacity for bail systems, a result of timely policy shifts reflecting an increased—and racialized—fear of crime (Sykstra 2018).

Even these shifts ostensibly deemed pre-trial detention a “carefully limited exception” to the practice of granting freedom until proven guilty (ibid.; the term is codified in *United States v. Salerno*, decided in 1987). In practice, however, “between 1990 and 2009, releases in which courts used money bail in felony cases rose from 37 percent to 61 percent” (ibid.).

In order to address bail discrepancies, Arizona approved a Public Safety Assessment (PSA) tool in 2015, which allows courts to quantify factors like flight risk, record, and age in order to recommend “fairer” bail amounts if bail is to be used at all. In 2016, the National Task Force on Fines, Fees, and Bail Practices was initiated to review court-ordered fines, penalties, fees, and pretrial release practices (National Task Force on Fines, Fees, and Bail Practices, 2019).

In Arizona, this task force consulted local grassroots organizations for recommendations, with a key focus on the ways bail extends the disproportionate burdens borne by local communities of color.¹ The effect of their recommendations – and whether or not they were truly considered – has yet to be formally measured through public accountability.

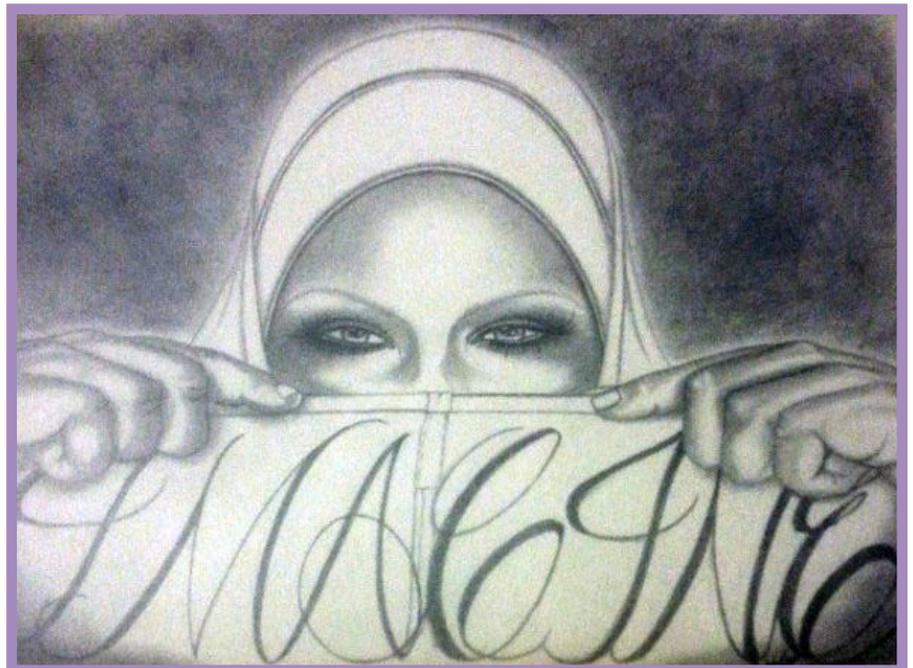
1. These groups included Puente Human Rights Movement, Justice that Works, Center for Neighborhood Leadership, Guadalupe Municipal Court, Mesa Municipal Court, and the Maricopa County Probation Office.

The bail system in Arizona extends the broad right of pre-trial freedom to all defendants, but this right is granted discretionarily based on charges imposed by the prosecutor. Particular charges require a compulsory denial of bail and courts may expand this denial for other charges based on the use of a PSA and their judgment regarding the defendant ("Changing rules", n.d.). **While bail may be revoked as decided, it may not be granted discretionarily.** Donna's charges disqualified her from pre-trial release, leaving her imprisoned from the moment of arrest to the writing of this report (Donna Interview 2019). She, like many others, had to spend this time fighting her case while simultaneously navigating the new uncertainties of her life, house, work, and of children from whom she was suddenly and indefinitely separated.

Even when granted a bail option, many of our participants were unable to afford such a costly and uncertain deposit, especially in addition to the costs arising from the sudden loss of income and support inherent to their abrupt imprisonment. These burdens are especially damaging for those

already struggling with economic hardship prior to their arrest, as "the median bail amount for felonies is \$10,000, which represents 8 months' income for a typical person detained because they can't pay bail" (Sawyer & Wagner 2020).

Being imprisoned indefinitely despite retaining legal innocence has its costs to those inside, who are subject to one to three years of substandard medical care, inadequate nutrition, and dangerous environments, often pushing us to accept pleas simply to leave. But these costs gravely affect our families too. Zumaya was arrested for fraudulent check writing during a time when she was already unable to support her family. Once charged, her bail was insurmountably higher than she could afford, forcing her to remain in pre-trial detention. Because of this imprisonment, Zumaya was abruptly pulled from providing for her family—having lost her work, she could not contribute to mortgage payments and lost her home. Her children faced the largest loss, however, as their mother was unnecessarily ripped from their lives for years before she was even convicted (Zumaya Interview 2019).



Exaggerated Charges

Our research reflects the ways structural and discretionary actions on the parts of prosecutors and judges often result in charges that are extreme and retaliatory. Prosecutors have the capacity to set charges that mean the difference between being granted bail, or being detained pending trial. These decisions also mean the difference between a sentence of probation, jail or prison time, and post-release parole and/or probation. The distinction between scaled charges is entirely out of our hands. For example, prosecutors of common drug possession often inflate the charges to a sales or transporting charge in order to allow the highest possible sentencing opportunity. This expansion of charges can increase the severity from a class 6 felony to a class 3 felony or higher; the difference between the two punishments is the difference between probation and a prison term.

Prosecutors and judges can also decide to stack sentences consecutively rather than run them concurrently. When sentences run *consecutively*, the defendant serves them back to back. When they run concurrently, the defendant serves them at the same time. For example, a person is given five years on count 1, and three years on count 2. If that person was sentenced consecutively, they would serve a total of eight years. If they were sentenced concurrently they would serve five. Choosing between consecutive or concurrent sentencing is often the result either of arguing aggravating circumstances or of 'prioring' charges within the same case number, also known as "Hannah priors." Hannah priors refer to several offenses that stem from the same, singular incident. The conviction on all offenses can serve as "priors" for purposes of "repetitive offender status," which would place an individual into a higher sentencing bracket.

The decision to charge in a particular way (i.e. aggravating circumstances, prioring) is less about the facts of the case and more about the presumed character of the defendant. This is why sentencing is raced, classed, gendered.

Sometimes, aggravating circumstances and prioring are both deployed to ensure maximum sentencing outcomes.

When Angie, who was a teenager at the time, went to trial, she was scared to reveal that she had escaped the physical and sexual abuse that she had been subjected to since the age of 8 by running away. When she discussed this abuse at trial, it was dismissed as a falsehood and she was characterized as an incorrigible runaway, pathological liar, and drug addict by her prosecutor, Jeanette Gallagher. This was further exacerbated by a character statement given by one of her abusers, which prompted her judge, John Leonardo, to aggravate her charges. Angie divulged her history of childhood physical and sexual abuse and explained that she ran away to escape abuse in the hopes of finding compassion and support for the survivor that she is. Angie reflected, "Where's a runaway kid supposed to go? To the police? They would've sent me right back!"

Despite it being her first encounter with the justice system, she was painted as a "delinquent." Angie's judge prioried her on multiple charges after her first charge within the same case. This further portrayed her as a "repeat offender." As a result, Angie was convicted as an adult under Truth in Sentencing, a subject we will return to later in this report. Angie's sentences were then made consecutive and she was given a total sentence of 61 years. She was 17. At the time of this report, she is 45 and still facing another 33 years in Perryville (Angie Interview 2019).

Nicole was also sentenced to consecutive sentences at her judge's discretion—and retaliation. *She was offered a plea of 10 years* for her peripheral involvement in a felony murder case. The felony murder rule is an outdated legal doctrine that holds a person liable for first degree murder if a death occurs during the commission of certain felonies. This law, like so many, disproportionately impacts youth of color and women. While the evidence was clear that Nicole was not even present at the time of the incident, *she was ultimately sentenced to two consecutive 25 year sentences totaling 50 years in prison.*

Nicole's original plea deal was contingent upon her testimony against her co-defendants, two of whom were her brothers. When she found out that the prosecutor planned to use her testimony to elevate her brothers' charges to capital, seeking the death penalty, she refused to testify. Nicole could not bear to be the used as a shovel to dig her brothers' graves. She rejected the deal and asked for a trial, based on the facts of the case, as well numerous statements by the prosecution and the judge that she was barely if at all culpable. **But as is often the case when someone asks for a trial after being offered a plea deal, the terms suddenly shifted.** That her punishment was

retaliatory is clear from the statement the judge made at her sentencing:

Now when the Judge is sentencing me, he sentences me—and this is on record—he says: 'The reason why I am sentencing you to consecutive sentences is because you refuse to bring the murderers forward. So therefore,' he says, 'it's as if you pulled the trigger yourself.' That was his reasoning for giving me consecutive sentences, because I didn't testify? Are you serious?

(Nicole interview, 2019)

What should have been Nicole's constitutional right to request a trial by a jury of her peers resulted in blatant repercussions and the loss of most of her life to this system. Nicole was only 22 when she was sentenced to 50 years in prison. At the time of this report, she is still seeking appeals after already serving 27 years.

Overcharging to Secure a Plea

H. Mitchell Caldwell argues that overcharging constitutes “the precursor to coercive pleas” by using this process to create undue leverage in order to avoid a costly and time consuming trial as well as to secure a conviction:

If our criminal justice system were trial-centered, prosecutors would only have reason to file charges on which they would likely secure a conviction. However, because most criminal convictions are secured through plea negotiations, prosecutors have an incentive to file more serious charges than those supported by the evidence with the 'hope that a defendant will be risk averse.' Furthermore, prosecutors lack any political incentive to refrain from overcharging because most communities want the state to be tough on crime. (Caldwell 2012)

The practice of inflicting exaggerated charges for ideological or political reasons is unfortunately commonplace. Overcharging a defendant is perhaps the most direct way for prosecutors to attempt to secure a plea and therefore a conviction. The leverage created by initially extreme charges compels a defendant to accept the lesser, though still exaggerated charges contained in a plea agreement, for fear of facing the extreme punishment at trial (ibid.).

Manipulative Investigation and Prosecution

To be captured within the punishment system is a traumatic and shameful experience. From the circumstances that led to arrest, to the actual arrest and interrogations with police, to court proceedings, we are disempowered and alone at every turn. Many of our participants reflected on the feeling of sinking with nothing to solidly grab onto or drowning in a sea of defenselessness and uncertainty. The system is designed to shame, punish and exploit. **Our research indicated ample evidence of abuse and intimidation from state actors, investigators, and prosecutors.** Given that for most of us, our autonomy is revoked the moment we are arrested, we are trapped in a position of passivity, largely unaware of our rights and without means to challenge the misconduct of officials with vast power over our lives.

A Culture of Impunity

The state's drive to coerce a confession, state's evidence, and a guilty plea is a vicious one. And yet "aggressive and often unethical conduct" like the experiences our participants shared has come to be emblematic as part of the "decades-long culture of misconduct that flows from the top down, one that prioritizes winning convictions over pursuing fairness and executing justice." This toxic pattern is what prompted the ACLU to file an amicus brief in 2019 urging further investigation of prosecutors within the Maricopa County Attorney's Office (Arceneaux & Keenan, 2019; *In Re Juan M. Martinez*, 2020).² Even former prosecutors from the department like Rick Romley have described the prevalence of this misconduct as "mindboggling" and far from unique to a handful of attorneys (ibid.).

That said, **those explicitly named in the ACLU's statement as egregious examples—Juan Martinez, Noel Levy, and Jeannette Gallagher—prosecuted a handful of our twenty-six interviewees.** The result of this "crisis of impunity," the statement reads, "has been a deep, unremitting harm not only to defendants, and especially those wrongfully convicted, but to the actual and perceived fairness and integrity of Arizona's courts" (ibid.). This injustice is exacerbated when racial patterns are examined. The most recent Smart Justice report from 2020 concludes that Black and Latinx Maricopa County defendants are sentenced at vastly disproportionate rates than whites, whose cases are also far more likely to be dismissed than other groups' (Ortiz & Kovacs, 2020).

Most of the participants in our research indicated that they knew very little if anything about their rights prior to their entrapment in the system. The pressure tactics used by state investigators and prosecution are wide-reaching, and while limits may technically exist, our experiences speak for themselves. **Family manipulation, leveraging of relationships, public shaming, and physical intimidation were common among many of the women we spoke with.**

2. See the press release regarding this action, written by Jared Keenan from ACLU-AZ and Anna Arceneaux from ACLU Capital Punishment Project: <https://www.aclu.org/blog/smart-justice/prosecutorial-reform/we-are-fighting-maricopa-countys-rampant-prosecutorial>. Amicus brief here: https://www.acluaz.org/sites/default/files/3_2019.04.03_aclu_brief_final.pdf

In one of the most appalling accounts of these tactics, Nicole described how the state withheld her children, questioned them, and refused to tell her where they were unless she gave them information. Nicole was arrested and brought to county jail, where she immediately called her mother to see if she had her children. Her mother did not. Panicked, Nicole waited on word that her children were somewhere safe. “They said, ‘Nicole, you have a visit,’” she recalled, “So I’m thinking it’s my mom coming to tell me that she has my children” (Nicole Interview 2019). Once in the visitation area, Nicole met the detectives and came undone.

I started crying, asking him, where are my kids? Where are my kids? And he starts laughing. He goes, ‘oh, you want to know where your kids are now?’ He said, ‘okay, I’ll tell you what: you tell me what I want to know and I will tell you where your kids are.’

(Nicole Interview 2019)

Nicole was emotional just recounting her fear that day. She agreed – on record, without a lawyer, and without her rights recited – to tell them anything they wanted to hear in exchange for information about her children. She found out later that her children, ages 5 and 6, were in custody and being questioned alone. “They brought them some Happy Meals, my daughter said, and they gave them stuffed animals and asked my daughter if she saw anything and if she heard anything... They questioned my children without my consent” (Nicole Interview 2019). Nicole’s daughter is now 32 and can clearly remember that day and how scared she was.

Nicole’s children continued to be a bargaining chip for her prosecutor. Later in a sentencing hearing where she was supposed to plead guilty to the charges in her plea agreement, she couldn’t. As is often the case with pleas, the charges reflect the “deal” of lesser offenses even when it means listing charges that in no way resemble the defendant’s actions. She explained:

“The judge said, ‘I need you to tell me, Ms. Smith, how you kidnapped the two victims in your case with a gun, and took them from point A to point B.’ I said ‘but I didn’t kidnap anybody.’ I said, again, ‘I wasn’t even there. I’ve never held a gun in my life. I said, look at me—I’m 4’11”. I weigh 90 pounds!’ And he said, well why are you pleading guilty to kidnapping? And I said, because the prosecutor and my attorney are telling me that I need to take this plea in order to be able to be with my children again. And he said, ‘woah, we gotta stop this.’ The prosecutor was pissed. (Nicole interview 2019)

Agents acting on behalf of the state’s case face virtually no regulations or repercussions for their conduct in efforts to secure a conviction.

According to the ACLU, prosecutors only very rarely incur any sanctions by the State Bar, and such appeals only occur in death penalty cases. Since none of our participants were sentenced to death, the misconduct of their prosecutors goes unchecked. In fact, Levy and Gallagher have both received Lifetime Achievement Awards from the Arizona Prosecuting Attorney’s Advisory Council (APAAC) and Martinez has received multiple “Prosecutor of the Year” accolades (Arceneaux & Keenan 2019; AMICUS).³

3. Jared Keenan from ACLU-AZ and Anna Arceneaux from ACLU Capital Punishment Project: <https://www.aclu.org/blog/smart-justice/prosecutorial-reform/we-are-fighting-maricopa-countys-rampant-prosecutorial>. Amicus brief here: https://www.acluaz.org/sites/default/files/3_2019.04.03_aclu_brief_final.pdf

Keenan and Arceneaux from the ACLU write:

This culture of impunity is so entrenched that prosecutors not only escape discipline for misconduct and unethical behavior, they are, in fact, rewarded in spite of it... the absence of accountability has only encouraged young prosecutors to emulate these veteran attorneys in the office. (ibid.)

This perception of justice and efficacy is not only lost to defendants; several of the women we spoke with expressed a frustration from the victims in their cases, whose interests were not represented by prosecution. The Victims' Bill of Rights is located in Article 2 Section 2.1 of the Arizona Constitution, and includes provisions in Sections (A) 4 & 6 granting the victim the rights "to be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing" and "to confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition" (Arizona Const. art. 2 § 2.1(A) 4 & 6). However, it also stipulates in Section (B) that the victims' rights will never supersede the state's decision to convict and sentence the defendant as it determines (Arizona Const. art. 2 § 2.1(B)). **This divergence demonstrates the overriding authority of the state to seek justice even where the alleged victim does not seek it.**

The victim in Donna's case was the father of her child, and he spent her court proceedings pleading with prosecution to not give her prison time. He was aware that Donna was facing charges because he had lied to her about his age, and she had believed him. Her defense team presented polygraphs, photos, statements, and other evidence to demonstrate the reasonableness of Donna's perception. When this evidence was considered, expert witnesses determined his age appeared to be 23. Regardless, Donna was charged with knowingly participating in a relationship with a minor. Her victim tried to keep Donna from facing time. "He actually went in there to go talk to the prosecutor and speak with her face to face," she said. "She completely ignored that he was there." When the prosecutor continually refused to meet, he turned to Donna's defense team and went on record stating: "I do not want the mother of my child to get prison time" (Donna Interview 2019). He also asked that his name be removed from the victim's advocate center. The statement and all notes concerning this conversation were passed over to the prosecutor's office, but none of it was considered at Donna's sentencing.

The state's forceful seeking of a conviction typically means isolation, family intimidation, and an inability to consider the victim's wishes. These practices, which have become normalized, even incentivized among County Attorneys, further illustrate the central function of the punishment system to disconnect the state's "justice" from other restorative or transformative approaches that center the actors involved in the alleged harm. These prosecutorial norms are designed and maintained by prosecutors, whose aims "reflect a 'win at all costs' mentality even when it runs afoul of prosecutors' duty to act as ministers of justice" (In Re Juan M. Martinez, 2020). The National Association of Criminal Defense Lawyers noted the echoing effect such behavior has when recourse is so illusory:

Prosecutorial overreaching and misconduct distort the truth-finding process and taint the credibility of the criminal justice system, including the outcomes they generate. When prosecutors' fundamental obligations are ignored and individuals' rights are violated in order to secure a conviction, little can be done to rectify the wrongs inflicted upon the individuals involved and on the system itself.

("DOJ on Prosecutorial Misconduct", 2019)



Ineffectual Defense and Judgment

Our appointed counsel and presiding judge are our only real sources of defense against the predatory process of state prosecution. **We navigate investigation, plea negotiations, trial, and sentencing with limited oversight regarding the adequacy of our defense and the impartiality of our judge.** In many ways, the sentencing process initiates us into the next phase of our capture: in which we are completely dependent upon and at the disposal of state actors with varying degrees of concern for their power over our health and futures. We hope that our defense and judgment will reflect this concern, while recognizing both structural and subjective impediments to our dignified treatment.

Arizona Public Defender Caseloads

In 1984, the Arizona courts determined the maximum allowable caseloads for full-time defense attorneys employed by the state in *State v. Joe U. Smith*. These stipulate different yearly maximum loads for felonies (150), misdemeanors (300), juveniles (200), mental commitments (200), and appeals (25). These numbers are commonly referred to as the “Joe U. Smith guidelines.” Then in 1996, the next substantial legal shift came in with *Zarabia v. Bradshaw*, which affirmed that “assigning an attorney incapable, for whatever reason, of providing effective assistance at these stages [trial and on appeal] violates a defendant’s constitutional rights” and “an attorney has the ethical obligation not to accept such an appointment” (Stookey & Hammond, 1996).

Immediately following *Zarabia*, John Stookey and Larry Hammond reviewed survey data collected by the Yuma County Superior Court on caseloads in 13 Arizona counties and found vastly different standards (or lacks thereof):

The survey revealed, for example, that four of Arizona’s counties could not even estimate the average caseload for their criminal contract attorneys or public defenders. (Apache, Gila, Greenlee, Santa Cruz). Six additional counties estimated that each of their indigent defense attorneys was handling more than 200 combined criminal and misdemeanor cases per year. (Cochise, Coconino, La Paz, Mohave, Navajo, Yuma.) **Maricopa, Pima, and Pinal counties reported that their average caseload per indigent defense attorney was in the area of 200 per year.** Only Graham and Yavapai Counties reported a caseload substantially less than 200. (Stookey & Hammond, 1996)

Regarding competency for taking on such cases, **they found that only one county required criminal law experience**, while the rest “had no expressed standards for bidders, or the standard was merely ‘in good standing with the Arizona Bar Association’” (ibid.). **Indigent defense attorneys are currently estimated to represent over 80% of felony defendants, while 90-95% of defendants with a public defender plead guilty rather than go to trial** (Buckwalter-Poza 2016).

If appointed an attorney by the court, we have no control over who will be sitting beside us fighting for our life. For the overwhelming majority of our participants, the assignment of a public defender was our only option. Many of us were fortunate enough to have determined advocates on our defense; others were less fortunate.

The stories we heard reflected expediency over accuracy, personal conflict between defense and prosecutors, and inaccurate legal interpretation. The consequences land on us, who remain defenseless to challenge them.

Trina's case had been all but settled. Prior to her sentencing hearing where she was expected to accept a plea for 10 years, her public defender got into an argument with her prosecutor. They had just worked on another trial that had concluded in favor of the defense. In response, Trina's prosecutor suddenly revoked the 10-year plea and replaced it with one for 20 years. This rivalry resulted in another decade added to an already extreme sentence, and Trina could do nothing to challenge it.

Winter ended up sentenced to life for a crime she not only did not commit, but during which she was held under gunpoint by her codefendant. Both the judge and prosecutor pushed Winter to take her case to trial and use the defense of duress. "The prosecution just said they don't think I'm culpable," she said, "The judge says take it to trial. My attorney is saying, why would you do anything but take this case to trial? So I'm not entertaining anything else at this point" (Winter Interview 2019).

After two weeks of trial and discussion of duress, however, Winter was told a grave mistake had been made – at her expense. While she was being brought to the courtroom, Winter heard her attorney and judge arguing loudly. The judge had

determined that her defense of duress was invalid, according to Arizona law, if the circumstances resulted in serious physical injury or death. *This revelation did not occur until the end of the trial, just before jury deliberation.* Winter was powerless to challenge it. Her defense attorney attempted to motion for mistrial, but the judge blamed his legal ignorance and, in order to make clear that this defense was not valid and hammer in her attorney's mistake, the judge instructed the jury against Winter. "Whether or not you find the defendant was held under force or threat of a weapon of any kind," they reiterated, "you must find her guilty." She continued:

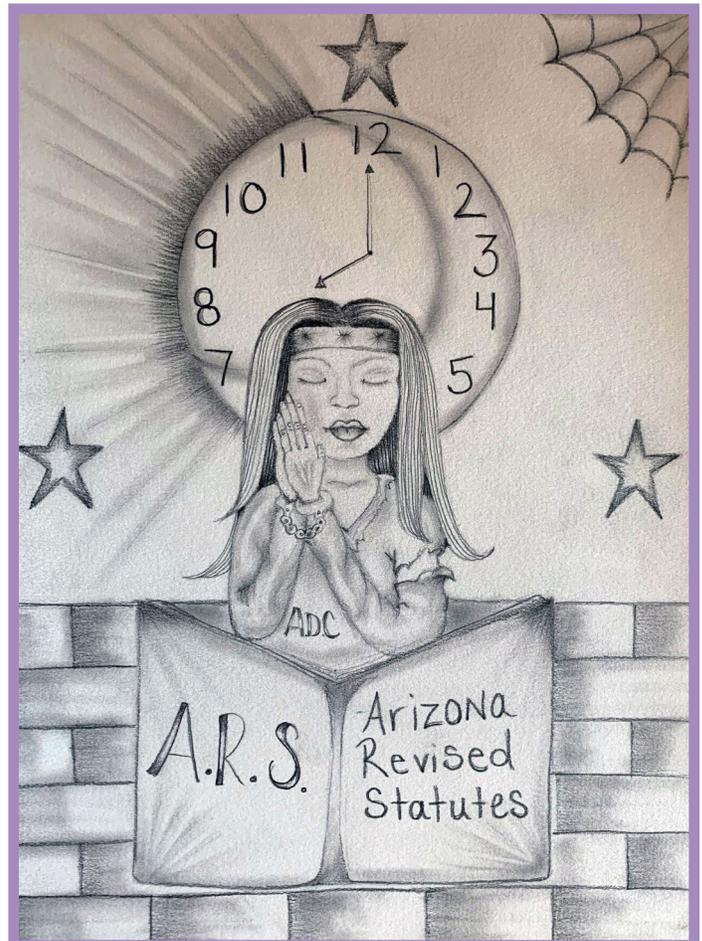
So my jury goes out with this instruction for three days. They deliberate not on my guilt or my innocence. They deliberate whether they have to obey the judge's instructions. The one and only question they asked to the judge was: 'do we have to obey your instructions?' He of course says yes. So they file and they find me guilty. They ask to change their verdicts; he ignores them. They filed affidavits saying they were confused by his instructions because they never felt I was guilty. (Winter interview, 2019)

Winter has sought multiple appeals regarding this course of events, but while the Arizona Supreme Court concluded her judge acted in error, it was determined to be "harmless" and insufficient for appeal. From whom was Winter's life sentence harmless? For herself, her son, or her parents? The answer is tragically unclear. The consequences of judicial and defense counsel floundering can be devastating.

In cases wherein a judge feels that a sentence is excessive—typically as a result of mandatory minimum sentencing schemes—they may issue a special order under ARS 13-603L allowing the individual to petition the Arizona Board of Executive Clemency for commutation of sentence within 90 days of initial sentencing. While portrayed as an act of leniency or compassion, the ineffectual nature of this order and of the Arizona Board of Executive Clemency (ABOEC, discussed in detail below) results only in false hope. In reality, this form of redress is structurally impossible in Arizona.

Among the many participants we interviewed who had received a 13-603L for an excessive sentence, everyone received the same rejection from the ABOEC on grounds that they could not prove sufficient “rehabilitation.”

While this stipulation appears tangential to the question of excessive sentencing, the Board uses it as a means to systematically deny every 13-603L-based petition it receives. And while all parties recognize that sufficient programming, employment, and service is not possible to obtain *within 90 days of imprisonment*, the petition based on this order is required within this timeframe. **At best, this process is deceptive; at worst, it is designed to make it impossible to appeal a sentence that even the sentencing judge deems excessive.** We will further discuss the broad gatekeeping authority of the ABOEC to refuse all releases later in this report.



Truth in Sentencing

As we discussed in our first report, “The Web of Criminalization,” mass incarceration in the U.S. has grown through racially differentiated policing, largely promoted under the guise of “law and order” and at the expense of social welfare. National reforms laid significant groundwork for the racially motivated sentencing policy shifts to come starting in the mid-1980s up until 1994. This period saw the boom in prison construction, incarceration rates, and sentence lengths, all as a direct result of sentencing policies.

As resistance to economic and social inequality increased during civil rights and anti-war protests, so too did racist stereotypes linking race, poverty, and criminality. This imagery culminated in the direct policy integration of policing in Black and Brown neighborhoods, including programs that categorized youth as “potential criminals.” Policy shifts under the powerful Law Enforcement Assistance Administration altogether replaced the Office of Economic Opportunity under President Nixon (Hinton 2016).

The introduction of determinate sentencing laws, or set sentencing and mandatory minimums, were marketed as a turn toward fairer, more predictable sentences. Their execution, however, further entrenched existing racial disparities that “reached extreme and unprecedented levels” (Travis, Western & Redburn 2014). Determinate sentencing and mandatory minimums served to increase both conviction rates and sentence lengths; yet, only three states—Minnesota, North Carolina, and Washington—chose to implement “population constraint” policies in order to “ensure that the number of inmates sentenced to prison would not exceed the capacity of state prisons to hold them.” Arizona did nothing to constrain its rapidly increasing prison population. In fact, Arizona implemented its first mandatory sentences in 1978, only one year after *Harris v. Caldwell* resulted in a federal mandate for incarceration reduction due to unconstitutional levels of overcrowding in Florence (Lynch 2010).

By the early 1990s, “law and order” had morphed into politically popular “tough on crime” campaigns, first promoted by George H. W. Bush and then mimicked by Bill Clinton in an effort by the Democratic party to gain moderate conservative support. Clinton’s presidential campaign marked a Democratic party effort to demonstrate that they, too, could take on typically Republican issues such as crime and welfare

reduction. Echoing this ideology, special interest groups on both sides of the political spectrum began funding the push for mandatory minimum sentences across the nation.

By 1994, every state in the U.S. had adopted mandatory minimum sentencing schemes. As a critical shift, “mandatory punishments transfer dispositive discretion in the handling of cases from judges, who are expected to be non-partisan and dispassionate, to prosecutors, who are comparatively more vulnerable to influence by political considerations and public emotion” (Travis, Western & Redburn 2014). The political message of being tough on crime was overt even in the highest of legal authorities. Then-Attorney General William Barr, who returned in the latter part of the Trump administration, urged an increase in both the number of people in prison and prison construction, in a preface to a U.S. Department of Justice report titled *The Case for More Incarceration* in 1992 (ibid.; Schlesinger & Himmelfarb 1992).

The most expansive—and devastating—sentencing reform also came in 1994. Authored by Joe Biden (then senator, now president) in consultation with the National Association of Police Organizations, Congress passed the [Violent Crime Control and Law Enforcement Act](#). **Under this policy, mass incarceration was openly promoted and incentivized with federal grants for states that implemented policy changes specifically designed to increase, and mandate, lengthier sentences; dramatically grow police departments; and build new prisons.**

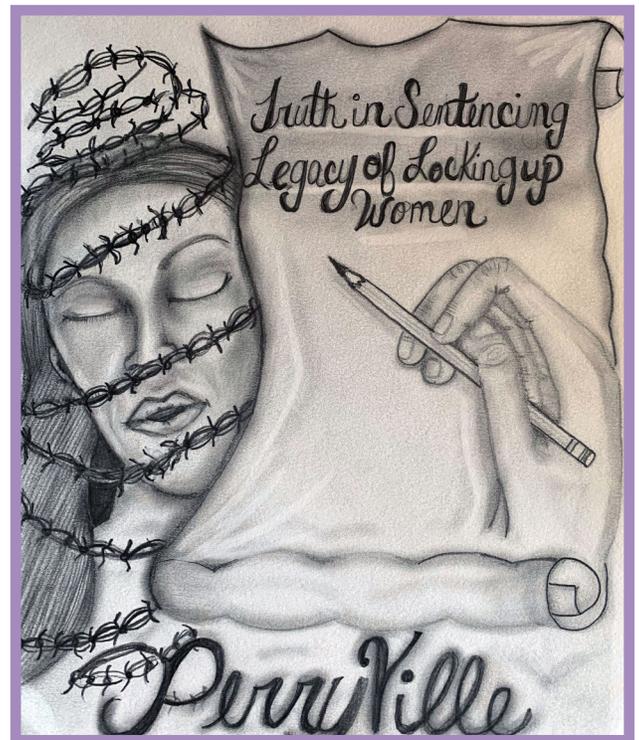
In order to qualify for grant consideration, states had to meet **Truth in Sentencing** standards. Truth in Sentencing is “a 1980s neologism” referring to the requirement that at least 85% of sentences are served and parole eligibility and early release credits are restricted if not eliminated (Travis, Western & Redburn 2014). “The implication [of truth in sentencing] is that there is something untruthful about parole release and other mechanisms that allow discretionary decisions about release dates to be made” (ibid.). In total, the 1994 Crime Bill, as it has come to be known, authorized \$8 billion for the explicit purpose of new prison construction. Twenty-eight states and the District of Columbia successfully met harsher sentencing guidelines to access these funds and expanded their systems of incarceration (ibid.).

Arizona accumulated \$57,923,000 over a five-year period under the 1994 Crime Act and Truth in Sentencing stipulations. In line with these requirements, Arizona's policy changes included the abolition of parole and the stipulation that no less than 85% of sentences be served. Additionally, these funds were allocated for the construction of new medium and maximum-security bed space.⁴ When Arizona ceased receiving grant funds, the costs of maintaining such an inflated state punishment system were transferred from other public services and tax revenue.

Today, Arizona remains a vast outlier in its continued use of Truth in Sentencing standards.

This is the only state that mandates that 85% of all sentences be served. Arizona also maintains mandatory sentencing schemes which have been reformed in many other states. The "ostensible primary rationale is deterrence," a National Research Council assessment states regarding such determinate sentencing schemes developed under Truth in Sentencing: "The overwhelming weight of the evidence, however, shows that determinate sentences have few if any deterrent effects" (Travis, Western & Redburn 2014). The effect they have undoubtedly had is a vast expansion of the punishment system, nationally and certainly in Arizona.

The Center for American Progress reports that "in the decade following the Crime Bill's enactment, the number of correctional facilities nationwide jumped by 20%. The incarcerated population grew by 40% during the same period" (Chung, Pearl and Hunter, 2019). **Between 1985 and 1994, as a result of new mandatory sentences, Arizona's incarcerated population grew 132% (from 8,531 to 19,746). From 1994 to 2018, as a result of Truth in Sentencing measures, it grew another 113% (from 19,746 to 42,005).** The rate of incarceration of women in Arizona outpaced even this rate of growth, rising 221% and then another 230% from 1985-1994 and 1994-2018, respectively (Bureau of Justice Statistics 1987; Beck & Gillard 1995; Carson 2020).



4. Arizona State Senate Issue Brief: Truth in Sentencing, 2010.

Life with or without Parole

Marie Gottschalk has described life imprisonment as “death in slow motion” (Gottschalk 2012). Kenneth Hartman describes “the sense of being dead while you’re still alive, the feeling of being dumped into a deep well struggling to tread water until, some 40 or 50 years later, you drown” (Hartman 2016). These visceral descriptions acutely describe what has come to be utilized as the humane alternative to a death sentence.

Life sentences play a large part in mass incarceration in the United States. **One in every seven people currently incarcerated is serving a life sentence** (Nellis & Mauer, 2018). *This number is even higher among incarcerated Black Americans, one in every five of whom is sentenced to life.* The total number of people serving life sentences today is greater than the total number of incarcerated individuals at the onset of the mass incarceration era beginning in the early 1970s (ibid.).

Of the over 200,000 people currently serving a life sentence in the U.S., 50,000 are not eligible for parole (1 in 4). Ashley Nellis and Mark Mauer contextualize this particularly U.S. American phenomenon:

Fifty people were serving a sentence of life without parole in the United Kingdom as of 2015. Thus, the United States, which has about five times the population of the United Kingdom, has more than one thousand times the number of people serving life without parole.

(Nellis & Mauer, 2018)

Moreover, the use of life sentences for children—with or without parole and including “de facto” life sentences, or those over 50 years—is largely distinct to the U.S. **Twelve states alone hold 8,300 prisoners serving life sentences received as children** (Van Zyl Smit & Appleton, 2018).

Nationally as well as locally, the effect that life sentences and contradictory changes in law have had on our communities is devastating. This is seen perhaps most clearly among those in Arizona sentenced to life with a possibility of release, who have had that possibility rescinded by Arizona’s Truth in Sentencing changes.

The abolition of parole has left us without a mechanism for early release in the state of Arizona for the past 28 years. Significantly, this has left lifers with no means for a prescribed or earned release opportunity.

There are currently hundreds of individuals in Arizona whose sentences include the promise of a parole board, stipulated in both trials and plea agreements. As Michael Kiefer exposed through his *Arizona Republic* investigation in 2018, this scandal has been referred to as “Arizona’s dirty little secret.” (Kiefer 2017). Since the abolition of parole in 1993 up until the present, the state of Arizona has continued to sentence people to indeterminate sentences, most often 25 or 35 years to life. To execute this sentence, however, a parole board must be available to be convened after that time elapses, in order to consider release. “The only problem,” Kiefer writes, “It doesn’t exist” (ibid.).

Nevertheless, over the past 28 years, prosecutors and judges have repeatedly sent people down a dead-end path to non-existent parole, resulting in hundreds currently incarcerated *indefinitely* until the state determines whether and how to honor the contracts signed at sentencing. Depending on whether these sentences were given as a plea or a trial verdict, as well as minute variations in sentencing language that confound the differences between a “chance of parole” and “chance of release,” only a small subset of people indefinitely incarcerated can access relief currently—and only upon individual appeal using case precedent.

Myra was pressured into accepting a plea for 25 to life. She resisted signing, because like many others, she could not honestly plead guilty to the murder charges she was facing as a result of the felony murder net. Her attorney threatened her mother that Myra would die in prison if she did not sign. Myra acquiesced, for her mother's sake. Now she is unclear whether the terms she signed will be honored. This is even more unclear because of the inconsistencies in her sentencing language. She explained:

I have three separate verbiages in my paperwork. One piece of paper says life for first degree murder. One piece of paper says life with the possibility of parole after a mandatory minimum of 25 calendar years. One says life with the possibility of release, after the mandatory 25. So I'm not real certain. I've asked my lawyer to write me and at least tell me what it was that my judge had actually said. I have not yet heard anything. (Myra interview, 2019)

The distinctions between these phrases is key. Whereas “parole” is the conditional release of a person incarcerated to community supervision by a parole officer, “release” is only possible through petitioning for sentence commutation or pardon from the Governor through the Arizona Board of Executive Clemency. The problem with this route, as Kiefer points out, is that “release” is “illusory” via clemency in Arizona, as recognized by both Arizona appellate courts and federal courts in 2014. “Life with release,” he writes, “pretty much amounted to life with no chance of parole because there really was no mechanism to be released” (Kiefer 2018).

V also signed a sentencing contract for “25 to life with the eligibility of parole after 25 years.” It wasn't until several years ago that she too found out that parole did not exist in Arizona. “Now I'm approaching my 25th year,” she said, “and I have no idea what's going to happen to me. I do know that I do not want to go to clemency... with the politics that are involved and the harshness of my sentence, I feel like before I go in there, decisions would already be made.”

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Lanae was sentenced to 25 years with a chance of release, which she also recognizes is a false replacement for parole;

I found out parole no longer exists. I was not told that when I was being pressured to take a plea. There's a 'chance' of release, which is based on the Governor's decision, which would be political suicide for him. So my 'chance of release' is nonexistent.

(Lanae Interview, 2019)

While Arizona has legislatively remedied this issue for juveniles, it is dragging its heels for the rest of us. **The U.S. Supreme Court decided in 2012 in *Miller v. Alabama* that sentencing a child to life without parole violates the Eighth Amendment protection against cruel and unusual punishment.** In 2016, the Court in *Montgomery v. Louisiana* applied the *Miller* decision retroactively, tasking states with executing a means for release hearings for all those currently serving sentences of life received as juveniles. In Arizona, this preemptively triggered a policy response in 2014, when HB 2193 designated parole board dates for these individuals. **It should be noted that, despite these reforms, a large segment of the juvenile lifer population was omitted: juveniles sentenced to "de facto" life.** Angie, who was sentenced at 17 to flat time, still has no relief in sight until her scheduled release at the age of 79; her sentence does not legally equate to a life behind bars.

For the rest of us charged as adults, it was not until March of 2020 that *Chaparro v. Shinn* concluded that the original wording of vaguely "25 to life" sentences, including access to the abolished parole system, must be honored despite the lack of this relief upon original sentencing. This decision does not automatically designate parole board dates for all those currently incarcerated, however, and the State has yet to legislatively address it. Instead, each individual is left to fight for the contractual terms they signed—most often wagered by prosecutors as plea agreements—through a costly and uncertain appeals process citing *Chaparro*, or face their luck with the Governor.

Even if lifers are granted the opportunity for a parole board, as we will further discuss in our next report, internal Department of Corrections policies prohibit us from engaging in many programming and employment opportunities vital to demonstrate to the board that we should be granted release. Around every turn, it seems there is another wall.

Felony Murder

The felony murder law facilitates the wide arrest of all persons associated with the commission of a felony in which an individual dies, no matter how that death occurs. The U.S. is the only nation where this doctrine still exists, since its abolition in England in 1957 (“Know More: Felony-Murder”, n.d.). Six U.S. states have thus far abolished it (Gullapalli 2019). While the intention appeared to be to deter dangerous behavior that would reasonably be expected to risk the life of another, it has resulted in widespread homicide charges for those who, willingly or unwillingly, are even tangentially present during what are often dramatically unforeseen consequences. Under the felony murder doctrine,

All participants in the felony can, and most likely will, be held equally liable—even those who did no harm, had no weapon, and had no intent to hurt anyone.⁵

Agency v. Proximate Cause Theory in Arizona

This is especially true in Arizona, which follows a proximate cause felony murder statute: felony murder applies when a person has committed any of a number of offenses “and, in the course of and in furtherance of the offense or immediate flight from the offense, the person or another person causes the death of any person” (ARS 13-1105). Proximate cause theory holds defendants accountable for any and all deaths—even those caused by third parties—during or in flight from the felony. Agency theory, by comparison, does not include culpability for third party actors (“Know More: Felony-Murder”, n.d.). **Due to our state’s extensive application of the proximate cause theory, “Arizona’s felony murder rule has been described as the broadest in this country.”** Further, “the Arizona legislature also makes clear that no mental state is required other than the commission of the enumerated felony.” Arizona’s statute thus “codifies the principle that malice needed for the murder is transferred from the commission or attempted commission of any of the enumerated felonies” (Birdsong 2007).

Almost all the women we interviewed who are lifers were sentenced under the felony murder law. Extreme sentences are the result of the elevation of all participation to murder charges. First degree murder is typically the primary charge, while pleading to second degree or manslaughter are sometimes alternative options.

The Felony Murder Elimination Project out of California notes that felony murder “eliminates the prosecutor’s burden of proving intent or premeditation to kill—elements which must be proven for first-degree murder—thus making it the easiest murder conviction for a prosecutor to win.” (ibid.)

5. <https://www.endfmrnow.org/resources>

As we discussed in our first report, nearly all incarcerated women have faced physical, sexual, and emotional abuse and manipulation prior to their arrests; **felony murder, more than any other statute, comprises a legal means to punish women for being in these situations in the first place.** Of course, not all felony murder charges are levied at women whose presence is over-determined by violence. Many of the stories we heard simply include haphazard actions that misapply intention where none exists. The following represent shockingly common applications of the felony murder statute that have all resulted in life sentences. And as outlined in the previous section, these women also face indefinite futures as their sentences include the nonexistent promise of parole.

Earlier in this report, we shared Winter's sentencing experience wherein her judge instructed her jury to ignore her defense of duress in order to find her guilty under the felony murder statute. As her case exemplifies, **many women are here despite the fact that their lives were being threatened during these situations.**

Winter had been struggling to quit heroin after her abusive ex got her hooked on it. He convinced her that it would take longer and be more painful to use methadone and told her to wean herself off using small doses of heroin instead. Two of her ex's friends were over and presumably helping her acquire more, when they decided to attack the dealers upon their arrival. One turned a gun on Winter and forced her to go to another room to collect restraints. Winter remained frozen at gunpoint while the murder occurred in her house.

She was arrested and charged with felony murder—even though her culpability was not in question, she was held under the threat of deadly force, and no transaction even occurred—because she was guilty of the felony of making a phone call to purchase narcotics that day (Winter Interview, 2019).

Myra, like Winter, was held hostage during the incident for which she was charged. She was picked up hitchhiking by a man who held her with him while he exacted revenge on a man Myra did not know. After a week of “surviving off of flaming hot Cheetos, Dr. Pepper, and meth in my veins,” (Myra Interview, 2019), Myra was taken in a van along with this man into the middle of nowhere late at night. Myra explained;

My codefendant told the victim to get out and take off running. I got out of the van and gave him a sweater. I thought he was walking. (Myra interview, 2019)

Myra returned to the passenger seat. She recounted; “As we start to move, my codefendant tells me: when I tell you to roll down your window, I want you to roll down your window. So, I asked him, what? He said, when I tell you to roll down your window, I want you to roll down your window. So, he told me to roll it down and I rolled it down... And then all of a sudden, I hear the shots and I see what feels like a fire in front of my face” (Myra interview, 2019).

When they returned to town, Myra stole a car in order to escape. **She was arrested and charged with 1st degree capital murder but was able to reduce this to felony murder and avoid the death penalty only if she agreed to testify. She did and was sentenced to life.**

Lily was also charged with felony murder because of proximity rather than intent or culpability. Lily had a brief interaction with individuals in her house who were having a conflict in the living room. She returned to her bedroom, where she heard the incident occur. The sound still haunts her today, as was evident when she recalled it to us. Lily was not aware of what felony murder meant, and, like Winter, chose not to sign a plea because she could not admit to something she did not do. Likewise, she was scared for her family if she took a plea in exchange for her testimony: "I had people following and attacking my family that knew my codefendant," she said. "That's just the way you grow up, that really isn't an option. So, I turned that down, went to trial, and was convicted" (Lily Interview, 2019).

Lanae and V were charged with felony murder after another party pulled a trigger during their commission of property felonies. In most U.S. states, they would not be culpable; in Arizona, they were both charged with first degree murder. Lanae and her boyfriend attempted to rob a convenience store for cash. There was an altercation with the store clerk, and he acquired Lanae's boyfriend's gun. Now unarmed, they started to retreat. The clerk fired shots, severely injuring Lanae and killing her boyfriend. Lanae was sentenced to life for her boyfriend's death (Lanae Interview, 2019).

Similarly, V and her co-defendant intended to steal a car parked in front of a Circle K. They watched as the owner of the car spotted them as he left the store. They decided to bolt. While they were sprinting away, unarmed, the owner of the car acquired a gun from his vehicle and began firing in their direction as they fled. He shot and killed a bystander crossing the parking lot between them. V was charged for the death of the bystander, while the shooter was not charged (V Interview, 2019).

None of these are exceptional stories. Arizona employs the most severe and expansive application of felony murder charges, in the only nation in the world that still allows this outdated and problematic doctrine.

Arizona Board of Executive Clemency

Federal Truth in Sentencing guidelines did not mandate the elimination of parole, but in order to meet funding conditions, many states chose to do so – including Arizona. These stipulations required states to demonstrate that 1) they were sentencing more people; 2) to longer average times; and 3) guaranteeing that an increased percentage of that time would be served before release (Travis, Western & Redburn, 2014). The abolition of parole took these tasks even further, entrenching us in a system whereby release is made impossible once the state’s sentence has been dealt.

The Elimination of Early Release Inflates Prison Populations

Since the 1994 Crime Bill, most states that followed the parole abolition route had found themselves with excessively inflated state prison systems, little effect on crime rates, and severely taxed local governments no longer receiving federal funds. As early as 1999, commentators saw that these issues were causing some states to immediately reconsider reinstating parole, despite the “politically popular step” it had represented, noting: “three states... reinstated parole boards after eliminating them because the resulting increase in inmates crowded prisons so much that the states were forced to release many of them early” (Butterfield 1999).

Many states have since reformed sentencing structures and reinstated parole boards after significant evidence of the explosive effect this had on prison populations. As of today, parole remains abolished in sixteen states, including Arizona. A 2019 report by the Prison Policy Initiative grading states’ early release systems gave Arizona an F-. Their study included considerations regarding the kind of access and representation people were provided, the transparency and guidelines used for consideration for release, and the degree of assistance provided to prepare for such hearings. Suffice it to say, Arizona’s decision to eliminate any possible early parole releases made these factors ultimately irrelevant (Renaud 2019).

When the parole board was eliminated in 1993, it was replaced by the Arizona Board of Executive Clemency (ABOEC). This entity only functions as a parole mechanism for “old code cases” including parole prior to its abolition, as well as those cases for whom parole relief was federally mandated by the U.S. Supreme Court decision regarding juveniles sentenced to life (a process legislated in AZ in HB 2193). **For all those sentenced after 1994, parole in Arizona is nonexistent—even for those whose sentence tells them they will see a parole board after a given amount of time.**

Parole v. Release and Equal Protection

For those sentenced to life with a possibility of parole after 25 years, as discussed above, the state has shrugged its shoulders at the lack of existing parole process. These individuals are generally categorized into four groups: those whose sentencing language stipulates “parole” or “release,” further categorized by those signed at trial or through a plea. As of today, those who signed a plea agreement specifically using the word “parole” (as opposed to “release”) will be granted the opportunity to appear before the ABOEC, functioning as a parole board. As of the recent case precedent in *Chaparro v. Shinn*, an individual's sentencing order (rather than sentencing transcripts, or what the judge actually informed the defendant of at sentencing) must also use the word “parole” to be certified; all sentences designating “life,” “25-to-life,” or any other verbiage – including the word “release” – need not be honored with a parole opportunity. This hair-splitting process is motivated by the state's goal to hear as few of these cases as legally permissible, so as to appear tough on crime and reticent to allow any opportunity for early release. And **this is an ongoing fight for equal protection actively being waged by those of us directly impacted by this issue.**

Whereas the parole process in many states, and formerly Arizona, generates automatic hearing dates determined by an individual's charges, disciplinary record, and participation in programming (Earned Release Credits), **the ABOEC functions entirely on a case-by-case, application basis.** That is to say, we must now apply for and be granted a clemency hearing, instead of coming up for parole automatically after a certain amount of time. And despite any amount of work or programming, we may never apply for parole as is possible in most U.S. states.

The ABOEC Board is made up of 5 individuals who are appointed by the Governor. These Board appointments often reflect the political incentives of the sitting Governor, which in Arizona generally

means conservative and “tough on crime.” Moreover, it is only up to the ABOEC to make recommendations; the Governor must sign off on any possible pardons or commutations. **As of 2020, Governor Doug Ducey had granted only one pardon and nine commutations during his five years in office. Eight out of those nine commutations were for individuals with terminal illness who had less than four months to live** (Leingang 2018; “Arizona Inmate's Release”, 2020).

These numbers are even more disheartening considering that between 2015-2017 alone, the ABOEC heard 989 individual petitions (Arizona Board of Executive Clemency, 2017). The problem is clearly shared between the ABOEC and the Governor, who together ensure that:

Statistically, if you are convicted of a felony in Arizona, you are more likely to be struck by lightning than granted clemency.

(Ortega 2012)

The process goes like this: We can petition to the ABOEC for consideration for commutation of sentence, and if accepted, we move first to Phase 1: a public hearing allowing no speakers, no legal representation, and no personal participation. One member of the Board reads the application against the original facts of the case aloud, considering only one factor: whether the judge's sentence seems excessive based on the presumptive sentence, which specifies an appropriate or “normal” sentence guideline to be used as a baseline for a judge in sentencing in comparison to a maximum sentence, which represents the outer limit of a sentence according to its A.R.S. code. The presenting Board member situates this comparison and then asks if any

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members of the Board have comments. One of our outside co-researchers attended several days of hearings and did not witness a single comment to follow the presentation – no discussion, no questions. After a few moments of silence, the presenting member suggests rejection and asks if all are in favor. A disinterested chorus of “aye” replies.

That's how Donna's Phase I hearing went. Her legal team and family were barred from speaking and her application was read, considered, and rejected in *less than six minutes*.

The Board has broad authority to ensure harsh sentences are fully served, even when this authority contradicts the order from the sentencing judge asserting that the mandatory sentence was excessive. Terry shared with us: “I used my 13-603L *six times* and my 135 years apparently was not excessive in their eyes, while my plea for only 17 years was not even considered because I chose to go to trial” (Terry Interview, 2019). **Between 2015-2017, the ABOEC rejected every petition based on a 13-603L order from a sentencing judge** (Arizona Board of Executive Clemency, 2015; 2016; 2017).⁶ Terry's case also demonstrates the punitive consequences of going to trial over accepting a plea, a discrepancy not considered once the sentence has been handed down— not even upon consideration for commutation.

Of the 964 cases the ABOEC heard for Phase I between 2015-2017, only 17 were passed on to the next stage in the process, a Phase II hearing—that's less than 2%. In this stage of hearing, legal representation and supporting

materials are allowed, and we may briefly speak on our own behalf. That is, if those extremely slim odds are in our favor. At this hearing, the board decides whether or not to recommend clemency to the Governor—the last step.

During this time period, the ABOEC only sent 7 recommendations for commutation to Ducey's desk. He approved zero. (Arizona Board of Executive Clemency, 2015; 2016; 2017). By 2020, he had approved one—for a prisoner who had already served 50 years (Polletta 2019).

Applicants may fast track their petition to Phase II for reason of “imminent danger of death,” the cause for Governor Ducey's only other granted commutations. To qualify for this designation, documentation must certify “with a reasonable medical certainty” that a person's death will occur within four months (FAMM 2018). The exact time frame for this designation is inconsistent. The Arizona Department of Corrections requires that death must be expected within three months; ABOEC lists four months; and the State's pardon process states that six months is the requirement (ibid.).



6. 2017 is the last year for which the ABOEC has revealed data.

Of the eligible applicants for this relief from 2015-2017—individuals asking only to be granted the ability to die at home—the ABOEC rejected 60% (Arizona Board of Executive Clemency, 2015; 2016; 2017).

And then there are some terminally ill applicants who are deemed ineligible before ever reaching the ABOEC, left to die in prison because they have not yet served enough of their sentence to have 'earned' release.

We met Erika Kurtenbach for an interview in December of 2018, when we first began this project. She came to us to share her story and to ask for advice. She had recently been transferred to the yard, and upon arrival was handed an application for clemency, "for medical reasons" (Erika Interview, 2018). Confused, she was told she had to ask the Deputy Warden, who informed her that she was given the application due to her terminal diagnosis. *This was how Erika found out that she was dying.* After years of pleading with Perryville medical care to conduct critical tests and treatments, their neglect had allowed her initially very treatable cancer to metastasize. It was projected to kill her within months.

And yet, after serving 20 years, Erika would not be released to be with her mother and daughter for her final weeks. She submitted the completed petition and it was returned to her in less than a week. She was instructed to consider re-applying in five years, at the requisite 25th year in her 25-to-life sentence. **Her A.R.S. code designated that she was ineligible for any type of early release for any reason, including imminent danger of death.**

Erika tragically and needlessly died in Perryville in March of 2020. She was only 42. Our hearts ache with despair and rage as we write this.



Conclusion

This system is heinous. There is no way around this fact. Erika's heartbreaking death followed after decades of dehumanization under the Arizona punishment system. Threatened by a prosecutor seeking her execution, charged with first degree felony murder for her presence under threat of her life, sentenced under Truth in Sentencing to 25 to life despite the nonexistence of parole, killed by prison medical mistreatment, and refused even the opportunity to die with her family by her side... This is not the entirety of Erika's beautiful life – but it is what the state of Arizona did to her.

We demand action in Erika's memory.

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Inside / Outside

INSIDE ARIZONA'S PUNISHMENT SYSTEM:

Part 3: Surviving Perryville Women's Prison

DRAPETOMANIA COLLECTIVE 2021



***For all of us
this instant and this triumph
We were never meant to survive...***

Audre Lorde, A Litany for Survival

Introduction

Becoming property of the state is both a collapse and a crumble. From the moment we are in the clutches of the punishment system, we are crushed by an avalanche of force and dehumanization. We become numbers, last names and risk assessments. The longer we remain captive, our agency and self-worth are chipped away at, in routine and violent ways. We become cheap and disposable labor, captive consumers, experiments in state-sanctioned premature death (Gilmore 2007). The prison seeks to be an institution of total control through physical, psychological and sexual domination. As its subjects, we are expected to suffer in silence; there are consequences for advocating for oneself or others. But we refuse to stay silent. We communicate our shared struggles for survival in the tradition of *testimonio*, “bearing witness and inscribing into history those lived realities that would otherwise succumb to the alchemy of erasure” (The Latina Feminist Group 2001, p. 2).

The following report, the third in our four-part series, is designed to take readers on a tour through life in Perryville. **Through our testimonies we make transparent that the intended purpose and function of the punishment system is not justice nor rehabilitation, but is to break the human spirit.** Moving through the corridors with us, readers witness state power expressed in both overt and nuanced ways. The state’s total power over us structures every second of our daily lives inside, from our ability to access clothing, personal hygiene, food, and medical/mental health care to the means of production vis-à-vis the exploitation of our labor. We conclude this report with insight into mothers’ resistance behind bars and in this way highlight that collective care is the antidote to state violence and the anchor of safety.

Prisons do not create safety, and though we are not safe here we work to create safety for one another.

This report also serves as an indictment of the normalization of this system and its practices of incapacitation. We share our struggles to reveal how power gets used to not only dehumanize us, but to make that dehumanization socially acceptable by not calling it what it is. As poet Aurora Levins Morales (1998) writes:

But just as intense heat makes ripples and waves that distort our view of the road and give us the illusion of water when there is only hot asphalt, oppression of any kind tugs at the culture around it, distorting our view of the naked exercise of power, normalizing it so that it appears natural and tolerable. Making it look like the reason we’re thirsty is not that we’re being denied water, but our own lack of initiative in the midst of plenty. (p. 11)

We charge our readers with the task of contemplating whether the daily fight for dignity in this system should be considered normal – including what is known and what we expose in detail for the first time.

Our hope is that this report inspires a public reevaluation of what justice, rehabilitation, and accountability mean. Our goal is to change the public discourse- which influences social and political practice. Though we reject reforms that expand the reach and scope of the punishment system, we advocate for measures that halt incarceration and actively decarcerate.

Welcome to the Mile

Within the first 48-hours of being sentenced we find ourselves on a big white bus embarking on an unknown journey. Our first splicing with the outside world has begun as communication and ties with families and loved ones are severed in that bus ride. As we enter the main gates of the facility, we become the next number added to the 42,000+ pool of people who have been castaway in Arizona prisons. The other women we are surround by will, at some point over the next decade, become our pseudo-family. At the Risk and Assessment (RNA) area, we are stripped of remaining dignity; here our mug shots are taken, we are subjected to invasive body searches, k-9 inspections, and personal belongings are revoked. We are then forced to undergo a series of intrusive labs and medical exams. **Like cattle we are then tagged with our new ADCRR identification number and assigned the label of “inmate.”**

After processing, we are shipped to a 23-hour lock-down RNA unit. Three or more people are assigned to a cell meant for two, for up to four weeks. Two of us will have beds, while the others create makeshift places to rest on the concrete surfaces of the cell. In the early 1990s at Perryville, RNA or intake housing was a “run,” which is twelve two-person cells, or 24 beds. Today, it spans an

entire yard, which is 96 two-man cells, totaling 192 beds for new arrivals. In warehousing people, ADCRR considers the floor and the counters as “bed space.”

We remain in locked down conditions until we can be ranked, prioritized and assigned to our warehousing unit. During this time, we undergo testing for 8th grade equivalency and complete a questionnaire that quantifies our mental health, drug score ranking, and the classification of our offense. We are assessed on age, crime, prior convictions, education, race, and even sexual orientation before being classified to a specific prison unit.

It is important to note that the testing we undergo happens at a time when we are under extreme stress and traumatized. The categorizations that are made based on these scores have consequences that stay with us for our entire time inside. **How we are categorized dictates what is and isn’t available to us—from housing to programming and beyond.¹**

1. Together, ADCRR Department Orders 811 and 809 dictate our initial security classifications and the means by which some people may “earn” access to increased opportunities, respectively. According to D.O. 811, the assessment process produces a “Corrections Plan” for the inmate, which is considered a “road map” regarding what work and program opportunities will be accessible, as well as what level security unit the inmate will be placed in. D.O. 809 outlines the “Earned Incentive Program,” which utilizes priority ranking to determine the degree of “priority” an inmate will receive in work and programming. Pitfalls of a categorization of higher institutional risk include placement in a unit with extended lockdowns, inability to access education, and far fewer opportunities for work. The Earned Incentive Program outlines a set of “phases” – 1, 2, or 3 – which correspond with graduated access to “incentives.” Incentives include access to outdoor time, programming, work, commissary/shop, additional phone calls and visitation time, and with the more recent implementation of phase-specific yards at Perryville, access to hot water and air conditioning. As we will discuss further under programming, the Priority Ranking system also dictates that the longer you are serving, the lower a priority you are – thereby categorically excluding those serving life sentences from most programming and work opportunities.

Inside Arizona's Punishment System

Part 3: Surviving Perryville Women's Prison

The fear and reality of our new life begins to settle in with each iron door we pass through. As Riley recalled, "Once the door slammed behind me, the finality of my previous life hit me like a ton of bricks" (Riley interview, 2019). The trauma of arrest, county, sentencing, and then entry to prison come to bear on us—we live with unrelenting distress and we are stripped of all agency. Donna said:

People are just healing from things that happened to them and being placed in a room for years of your life with very little sensory [experiences] and being ripped from your family... you have no control [and it's] an unbearable thing... it's complete mental torment because you don't know what's going to happen next.

(Donna interview 2019)

The initial phase of the process of becoming property of the state is disorienting and dehumanizing. But the squeeze has only just begun.



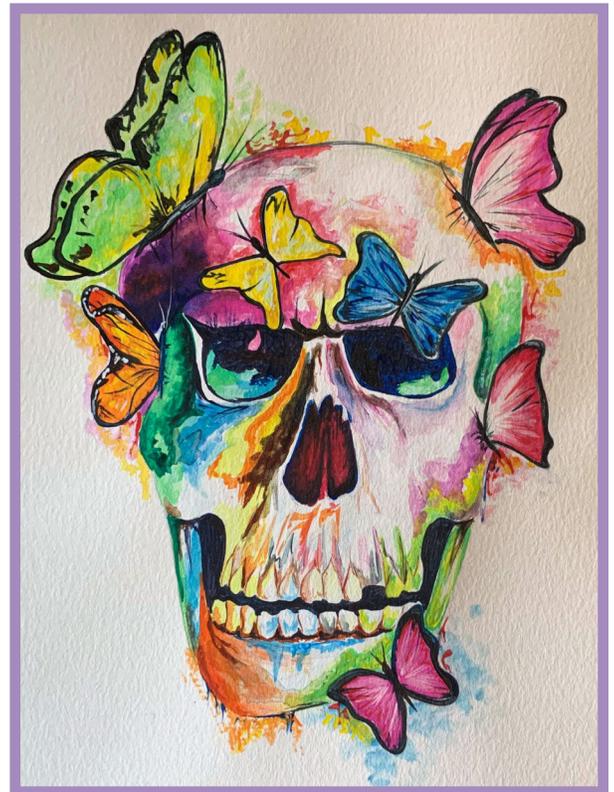
RNA: Acquiring the Basics

Accessing the basics one needs to take care of themselves is an extreme challenge in Perryville. While public perception may suggest that taxpayer dollars and ADCRR's over \$1 billion budget pay for prisons and the resources therein, it is inaccurate. The present section corrects this assumption. Our testimonies regarding access to basic necessities interrogate the underlying rationale that perpetuates these conditions. Questions one might reflect on while reading this section include:

1. **Where does this budget go?**
2. **Is having to live under poor and abusive conditions part of our punishment?**
 - a. **Does it serve justice?**
 - b. **Does it increase community safety?**
 - c. **Does it serve our healing and rehabilitation?**
 - d. **Does it prepare for re-entry?**

We arrive to Perryville with nothing. Once we enter the main gates of our assigned unit, which can house anywhere from 175 to 1,200 women, we must quickly adjust to navigating our new surroundings. Immediately, we go to the state issue department to collect our bar of soap, tube of toothpaste, 5-inch comb, 1-inch toothbrush, and our bedding; that is, if they are available. The reality is that these basic items, hygiene and a bed roll, may or may not be issued. Here we are also supposed to collect our state issue clothing but rarely receive the allotment. ADCRR Department

Order 909 previously dictated that state issue should provide at minimum: 3 T-shirts, 7 pairs of underwear, 3 bras, 7 pairs of socks, 3 pairs of pants, 1 pillow, 2 sheets, 1 blanket, 2 towels, 3 washcloths, 1 pair of shower shoes, and 1 pair of boots. However, this policy was revised in 2020 and now simply states that incoming inmates are to be given "a standard issue of underwear, tee shirts and socks and one pair of pants."² The transition to this vague policy might reflect the demonstrated lack of these items in practice. **Almost every participant we spoke with had experienced the denial of state issue and legally mandated resources.**



2. https://corrections.az.gov/sites/default/files/policies/800/0809_112721.pdf

Riley shared her experience:

This time around though in RNA, we weren't provided with pads, so there were girls having to use towels. We also weren't supplied with toothbrushes. So, they told us again to use the corner of our towels. We weren't provided with sheets, so we were given two wool blankets. You only got like one shirt, one bra, one underwear, and a pair of pants. The rest you were supposed to get when you got back to your yard. There was one day in RNA, it was a Sunday, when I saw the lieutenant when we happened to be on our three hours out. So, I ran up and I complained about not having toothbrushes and said it wasn't acceptable. He asked me if I was really asking him that question on a Sunday, like there was something he could do about it. He said there was nothing he could do. And then after three days I was assigned to a yard, which was Carlos. Over there they didn't have a lot of new clothing, and they also didn't have clothing in my size, so I wasn't given any additional stuff. And I was told to come back at a later date. I went back at a later date. They still didn't have anything. (Riley interview, 2019)

Virtually all of the women who shared Riley's experience of not receiving adequate hygiene or clothing had been given used and stained underwear. "They don't even give you new undergarments when you get here. They give you used stuff" (Stephanie interview, 2019). Policy requires that when we purchase items of clothing, which are priced at markups that typically cost weeks' worth of work, we must return our old items.³ These items are then given out through state issue, even when damaged or in the case of intimate items like underwear and bras. When the state issue department doesn't distribute adequate necessities, it falls on us to look out for each other.

The other day when the new girls came in, they were telling them that they don't have state-issue underwear for them. I mean luckily, we kind of always try to help anybody in need, you know what I mean? And we can be penalized for doing that. But they're scared. They don't know anybody, and they're being told that they can't have underwear, bras, or soap. It's not right.

(Marlee interview, 2019)

The penalization Marlee is referring to is the policy that prohibits the sharing of resources. Providing basic necessities to women in need can result in a major disciplinary ticket.⁴ The refrain we hear

3. Through the Keefe store, current pricing for clothing items is as follows: socks - \$1.25; "men's" pants - \$12; "women's" pants - \$15; short sleeve t-shirts - \$5; long sleeve t-shirts - \$7.5; sweatpants - \$20; sweatshirts - \$20. Because Keefe's price lists are unavailable to the public, this information is from a participant inside Perryville and current as of summer 2021.

4. Department Order 909: Inmate Property states: "Inmates are prohibited from trading, lending, bartering or selling property to staff, a visitor, contractor, volunteer, or another inmate." https://corrections.az.gov/sites/default/files/policies/800/0809_112721.pdf

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when we raise concerns, as the state abdicates responsibility to provide for its “charges” is that “there is not enough money in the budget.” **They often blame the lack of available budget on the fact that they are “required to provide toilet paper, tampons, and pads.”** Such items should be required to supply a women’s prison. ADC staff and administrators resented the advocacy of Representative Athena Salman, the ACLU and supporters for increased access to feminine hygiene products and have found new ways to target and punish women for seeking these additional necessities. Stephanie explained:

So now, you know, they give you the two rolls a week. Well, if you go to the bubble and ask for more rolls, they take your name and room number. And when they go to do random searches, they go by that list to go hit people’s rooms, by the people that have gone and asked for more.

(Stephanie interview, 2019)

When Salman and others – including some of our recently released friends – testified to the lack of access to feminine hygiene products and the lengths of humiliation women at Perryville had to go through to access them, ADCRR generously offered to resolve the situation themselves without need for legislative oversight. **Not surprisingly, the policy changes carried with them more practices of targeting and retaliating against women seeking these resources, and access to products remained limited.** Thanks to the advocacy and testimony of our directly impacted sisters, the push to legislatively address the issue

succeeded in the passage of SB 1849, or the “[Dignity for Incarcerated Women](#)” Act, in Spring of 2021.⁵ Under this Act, ADCRR is now legally mandated to provide unlimited access to feminine hygiene products. On our end, time will tell if this law is followed at Perryville.

On our assigned yards, we are greeted with even more desolate conditions that assault our dignity. **The lack of basic clothing and hygiene is only the beginning of the systematic abuse of power administered by the Department of Corrections.** While our advocacy led to the public conversation and policy changes around feminine health in prison in Arizona, the testimonies reflected in this report identify a range of areas of desperate need and institutional exploitation.

5. For full text of the bill, see: <https://legiscan.com/AZ/text/SB1849/2021>

Hitting the Yard: Conditions of Confinement

The conditions in which we must serve our time are a cruel and unacknowledged form of punishment. Our research again begs the question: where is the ADCRR budget going?

We endure inhumane circumstances as our only option for shelter and hygiene. We share our concrete cells and dilapidated shower stalls with environmental toxins, excruciating heat, dangerous molds, and bugs. These conditions are, of course, covered up from public view, especially when journalists and advocates visit. We take you through these daily details to demonstrate the gravity of this invisibility. Those of us who have been forced to live here know these details well, as well as the psychological impacts living like this has on us. As we move through this tour of life in Perryville, we turn from this system's deprivation of our basic necessities toward its brutal disregard for our mental and physical well-being, achieved through the disgusting neglect of infrastructure and lack of recourse.

Perryville prison opened its doors in 1981. The living conditions have scarcely been updated since then. Perryville cells are 86x86 square feet and designed to house two people. Nothing but steel and concrete surrounds us. We live, eat, sleep, study, and release bodily fluids all in this small space. The windows seldom shut and air and dirt from the environment invade the area.

When the monsoon season dust storms roll through, Myra says, "You learn to barricade yourself in" (Myra interview, 2019). The doors lack weather stripping to prevent the harsh winters and summer elements from overwhelming us. The toilets are within an arm's reach away from our beds. "You're surrounded by cement and

metal and there's really no reprieve from any of it" (Myra interview, 2019).

Living in this place for years or decades is difficult to imagine; "There is no way of describing it: the bare walls, hard furniture, cold floors. It's such a lack of stimulation that really just makes your soul shrivel" (Donna interview, 2019).

In the extreme Arizona heat, our cells must reach above 95 degrees before officers will report broken evaporative cooling systems, which are decades old and dangerously insufficient. Despite the fact that it is illegal on the outside to leave elderly people and pets in this type of environment, we sustain these conditions all summer long. The 95 degree cutoff is not only inhumane, but counter to the court-mandated stipulations resulting from *Parsons v. Ryan*, the class action lawsuit regarding medical treatment in Arizona prisons. According to the courts, ADCRR must transfer inmates residing in buildings where temperatures rise above 85 degrees. We can say with certainty that this does not occur. In fact, according to a recent *Phoenix New Times* investigation, ADCRR submitted its own temperature logs revealing that "daytime indoor temperatures frequently exceeded 100 degrees in June, July, and August."

This unbearable heat is particularly dangerous for our elderly population and those with compromised mental and physical health.

ADCRR was required to report its temperatures because of these risks; "for inmates taking psychotropic medications, including anti-psychotics or antidepressants, that kind of heat could be fatal" (Id.). One of our neighbors who is 60 years old is on seizure medication and is

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prohibited from purchasing a portable fan for her room. The heat has severely impacted the amount of seizures she experiences in the summer months.

For the past five years, we have been told that air conditioning units are being installed, yet we have not seen them and summer months keep coming and going and we continue to suffer. Skin coverage is limited too, which can be dangerous on yards with no shade structures or trees. Myra names what we all know to be true:

It's like because I've committed a crime, I'm not worth protecting. (Myra interview, 2019)

Due to the age of the buildings and total lack of upkeep, there is significant damage to their structure that also affects our health. The foundation has shifted and there are numerous

cracks in the ceilings, walls, and stairwells. The roofing has also been impacted over the years; the buildings have been neglected and deterioration is apparent. Several women we spoke with shared experiences of their cells flooding and plumbing breaking. Many others live in cells with ceilings that are sagging with leaking water, dirt, pigeon feces, and debris. **We are forced to live constantly inhaling toxins.**

Norma filed several grievances to attempt to get her ceiling fixed. After being ignored, she begged the staff to move her to a different cell as she was having to be treated for Cryptococcus's, a potentially fatal fungal pulmonary disease. She explained, "I could not understand why this health issue was ignored by the sergeants and lieutenants... My grievances did not get any attention and I was nervous about whether or not I was going to get the proper medical care and move cells" (Norma interview, 2019).



The pollutants we breathe in these condemnable buildings are most pronounced in the showers. To maintain a modest amount of bodily hygiene, we have to expose ourselves to grime and more extreme temperatures that shock our systems. The inability to bathe ourselves with dignity compounds on the onslaught of reminders that our humanity is not respected here. There are 6 designated small showers stalls in each wing on our yard. Most of them are dilapidated and do not have piping or faucets. The ones that do work run poorly with very little water pressure or hot water. The showers are rotted out and the mold is consistently being painted over so that it is not visible when inspectors come to visit. Lanae has been in Perryville for fourteen years, during which she has not seen these conditions change;

The showers are broken. There's no hot water. There's bugs coming out of the shower vents as you're taking a shower.

(Lanae interview, 2019)

Zumaya has been advocating for improvements to no avail. She explained:

I have been here on the yard for over four years and have been fighting every winter to get hot water. I have written numerous inmate letters to administration and filed grievances and also contacted the media.

(Zumaya interview, 2019)

Withers pointed out that such advocacy often fails in this environment because the officers practice habitual gaslighting of women's concerns; "[An officer] comes to our yard and says, oh, you guys are just using too much of the hot water. If you guys would stop using so much of the hot water, then you would have more hot water when you needed it" (Withers interview, 2019). This exchange occurred after two weeks of zero hot water on her yard. "Everything that we have is broken. Everything that we have is under-maintained" (Withers interview, 2019).

In a place where our dignity is constantly degraded, we come to understand that our living conditions are another tool to maintain control over us, our minds, and our bodies.

Either these conditions are a result of an astounding degree of negligence or being held captive in these inhumane conditions is the unspoken and accepted actuality of what justice means in Arizona.

Sustenance and Profit

The sad state of food access in Perryville aligns with its decrepit conditions to produce a precarious setup for our livelihood. And with national equity firm H.I.G. Capital, owner of kitchen and commissary provider Trinity Services Group, set to bring in extraordinary profits year after year from its exploitative contracts across the country, Perryville has a vested interest in maintaining this dismal state of resources.

The privatization of food access in Arizona prisons goes hand-in-hand with the abysmal offerings from the state, such that incarcerated people and our families subsidize not only our own incarceration – but the massive profits generated by private corporations like Trinity and its subsidiary, Keefe. By providing kickback incentives to the state, Trinity has positioned itself as the monopoly provider of previously state-provided resources to a literally captive audience of consumers. And by providing both canteen food and commissary sales, Trinity simultaneously profits from its sickening kitchen meals to the store we turn to in order to avoid them.

To provide ourselves with some semblance of sustenance, we have no choice but to consume – at tremendous cost. This next section illustrates the appalling conditions of canteen food service that force us to turn to commissary purchases to sustain our basic access to food while incarcerated, all while holding up profits for Trinity and absolving the state of its responsibility to keep us alive.

The food in this place alone sends many women into lasting health problems, as we've seen, including anemia, thyroid problems, kidney failure, high blood pressure, high cholesterol,

severe vitamin deficiencies, blood sugar issues, and diabetes, in addition to generally increased weight and lowered immune system. The food at the kitchen consists mostly of carbs, starches, and breads enhanced with calorie boosters to meet the minimum mandatory caloric requirements. **There are no fresh fruits and vegetables available.** The closest thing we get is a few sparse processed pieces of iceberg lettuce and fruit cups filled with syrup. The total lack of available vitamin sources alone leaves many women with impoverished health.

Women are not only malnourished, but we are inconsistently fed. Brooklyn described what this feels like; “I ate at 6:30am and my meal was mainly bad carbs... potatoes and corn flakes with bread. I was so hungry by 1:00pm but did not get fed dinner until 7:50pm. I have to take medication 3 times a day and need food to take it with. I felt so hungry, skipped my afternoon meds because I did not want to get sick. This sort of thing, waiting on the food truck, happens all of the time” (Brooklyn interview, 2019). Food is served cold and regularly lapses more than 12 hours between meals.

The conditions of food preparation and distribution have sent many to the infirmary. In 2019, the Arizona Department of Health Services had to step in after a [salmonella outbreak](#) in Perryville resulted from these conditions and the food provided by Trinity. The kitchen workers we spoke with were not surprised by this; some of the packaging they have encountered clearly list health warnings and expirations but are served anyway. V, joining the whistleblowers who alerted the media in 2019, confirmed that packaging she handled read:

In black letters – big – it says ‘Not for human consumption. May cause cancer, birth defects.’ And that’s what they serve here every day. (V interview, 2019)

On another occasion, V explained that the turkey served had gone bad;

And the girls from complex took it to the officer and told him, this turkey’s no good, it’s rotten. And the officer’s response was, ‘well, just cut it off and just keep doing what you’re doing.’ (V interview, 2019)

Trinity’s Use of “Surplus Food”

Reports of food marked “not for human consumption” were investigated by Trinity, who determined, unsurprisingly, that the allegations were false. A [New Times follow-up](#) however signaled that the company’s and state’s standards do nothing to prevent such occurrences. In fact, as Elizabeth Whitman reported, ADCRR’s contract with Trinity encourages the ample use of “surplus food,” including “utilizing produce/product from Institutions,” while not defining “Institution.” It then states that “The Department and Contractor shall work together to ensure surplus/donated foods are used to the fullest extent” in order to cut costs. In an odd twist, the contract stipulates that Trinity purchase all donated foods from the Department before selling it back to them, adding a financial incentive to utilizing all food, including food that is in poor condition and past its expiration date.

The Arizona Department of Health Services again investigated ADCRR in 2020, uncovering rampant bug and rodent infestations, blood and environmental toxins, and food contamination in state prison kitchens which were given

“satisfactory” ratings by oversight agencies.

[Jimmy Jenkins](#) revealed that “Twelve months of inspection reports conducted at all 16 state prisons in 2020, provided to KJZZ through a records request, detail filthy conditions, broken equipment, and frequent use of expired food.”

In Perryville, the main complex kitchen has had a mice infestation for years. Due to the lack of hot water, our trays are never cleaned properly. Health inspectors have only ever entered the facility during scheduled visits, allowing staff to make Band-Aid cover-ups to hide these issues. Nephritides used to work in the kitchen and shared: “The only time they bring the good stuff out is when the auditors are here. That’s when the good cups come out, the good trays come out, the good sporks come out, and as soon as they’re gone, the good China is gone” (Nephritides interview, 2019).

Even drinking water presents a health dilemma in Perryville. Staff are told never to consume kitchen food or the polluted well water provided to the women to drink. Those visiting Perryville have been instructed that water in coolers on the yard is not for drinking, because “it’s for the inmates.” As Withers shared:

The first and foremost thing that I don’t understand is there are signs outside that tell people don’t drink the water. Why then is nobody concerned? And why is nobody checking the water? And why don’t we understand what’s wrong with the water that we’re drinking? (Withers interview, 2019)

Such practices and written warnings reveal that ADCRR is aware of the glaring health risks

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associated with the conditions we are forced to survive. The constant precarity of our well-being and the lack of recourse, even when state agencies and media publicize these conditions, breaks us down mentally and physically.

Donna describes:

I mean, we sit here and look at our nails turned yellow and feeling lethargic, being more prone to sicknesses... Not having what you need to thrive and be healthy internally impacts so many things, the way your productivity is at work and then the fact that you are swimming in these slave trades of working long hours and getting paid so little, there's just no way to describe everything that people go through here.

(Donna interview, 2019)

Maximizing profit and minimizing cost to the state are the names of the game here, aided by the fact that the Trinity kitchens and Keefe commissary are staffed by inmate labor.

Because all of us who are able must purchase food and hygiene from the Keefe store and Trinity serves as the sole market provider, they can charge us whatever they want and get away with it. Trinity manages to institute price increases – sometimes up to 60% in one increase – on already far above market value prices. These changes are on top of the total lack of wage increases for either ADCRR or ACI contracted jobs.

We got a sense of the exploitative reach of Perryville's commissary from talking with women who worked there. As Stephanie explained:

Since I've been here, they've raised their prices at the store three times in the last three years... and we're still working for the same wages from 1989.

(Stephanie interview, 2019)

Price increase notices are supposed to be posted 30 days prior to the increase, but this does not happen. Often, notice is posted only days prior to going into effect in order to keep people from stocking up on items before their prices are raised. Profits are increased by the sales of items marked not for individual sale, which are sold far above wholesale cost to us. Withers used to work at the Keefe store, and illustrated this profit to us: "They will bring in up to \$32,000 a week just on this unit alone. A week. That's ridiculous." (Withers interview, 2019).



Investor Profits and State Kickbacks

The acquisition of Keefe by Trinity Services Group private equity owners H.I.G. Capital represents an enormous concentration of for-profit prison resource operators.

With no competition and significant kickbacks to reward the state for its contracts, private equity firms like HIG are uniquely positioned to benefit from the steady flow of incarcerated and desperate people.⁶ Tim Requarth, [writing for The Nation](#), explained how these kickbacks solidify their status by returning a portion of sales profits to the state: "To make a profit, the company has to charge the incarcerated and their families high rates. Some cash-strapped jurisdictions now depend on these kickbacks to fund facility operations and law-enforcement activities, and correctional agencies are clearly hooked on the extra hits of cash." Arizona Correctional Industries, the entity responsible for crafting "public/private" contracts for the state prisons, reports in their 2020 annual report that together Trinity and Keefe amounted over \$5.5 million in the last year alone.⁷ The actual revenue is difficult to measure; accounts suggest that the Keefe contract alone was valued at about \$43 million per year, 6% of which will bounce back to ADCRR.⁸

By outsourcing food supply to private corporations, ADCRR absolves itself of the duty to maintain these resources for its population, allowing the Department to extort incarcerated people and our families. With nowhere to turn to access basic needs of clothing, hygiene, and food, we have no choice but to feed into Trinity's profits. In terms of commissary food offerings, this looks like access to processed foods, canned meats, ramen, and instant oatmeal and rice. Cheese products that squeeze from plastic packages,

candy, and other snacks are filled with saturated fats and chemicals. Imagine feeding yourself with only items from a gas station. And yet, [the Prison Policy Initiative reports](#) that based on their research of three private state commissary systems, **incarcerated people – and their families – spent an average of more than \$1,000 per person, per year, mostly on food and hygiene. At .45 cents per hour, this amount would take over 2,000 hours to earn, or 55 weeks of full-time work.** Obviously, this is impossible to achieve alone, implicating our families' investment in our livelihood to stand in place of the state's, even while we are held captive and under its control. Where does the ADCRR billion dollar budget go? We agree with the message the PPI report asserts:

If the cost of food and soap is too much for states to bear, they should find ways to reduce the number of people in prison, rather than nickel-and-diming incarcerated people and their families.

The underlying reason for locking us up by the thousands is that it is lucrative.

6. See Tim Requarth's scathing analysis of the role of private equity in cumulatively steering an underground (and public) investment in imprisonment, and the modern format of prison privatization: <https://www.thenation.com/article/archive/prison-privatization-private-equity-hig/>

7. For the full report, see: https://aci.az.gov/sites/default/files/ACI_AR_2020.pdf

8. See: <https://azcapitoltimes.com/news/2016/06/20/doc-considers-whether-to-replace-prison-commissary-contractor/>

Employment and Income

While residing in a place of chaos, women on the mile attempt to establish some sense of normalcy through work and programs, while the access to either is extremely limited. **Most of our working population hold jobs that are vital to the running of the institution.** The positions include responsibilities such as the kitchen, maintenance, yard porters, store workers, clerks, education tutors, and more. **The wages earned for these jobs can range anywhere from 10¢ to 50¢ per hour.** Privatization has also reached our employment, and there are several very profitable businesses taking advantage of us as a captive labor pool. Whether we work for ADCRR or an outside company, employment in Perryville consists of risks to our health and livelihood from dangerous conditions, a total lack of legal protection, and earnings that dramatically misalign with the fees we must pay for medical care, communication home, food, hygiene, clothing, gate and program deductions, and prison utilities – and even rent for our cells.

Getting by without work is nearly impossible, with so much that is our responsibility to pay to cover; this need paired with discriminatory policies and additional fees means we are damned if we do, and still more damned if we don't. This section focuses less on the privatization of prison labor in Arizona by ACI and its contracted corporations and more on the environmental and policy hurdles involved in being a prisoner laborer in Perryville.

Many of the women we spoke with described the ways their jobs present dangerous threats to their health and livelihoods. In the kitchens, oven mitts are provided but worn so thoroughly they fail to protect hands from the industrial oven burners. Boots are also scarce, through state issue or for sale, and falling on slippery floors is common. Stephanie, who has worked in the complex kitchen for two years, said:

They're more slippery than if you were to wear your tennis shoes in there, which a lot of girls do because the boots are so bad, you fall on your ass in there. But they make you wear them, and then they tell you that they don't have the right size and they can't afford it because they're - they're spending their whole budget on toilet paper. Like what? What do you mean?

(Stephanie interview, 2019)

In addition to the lack of supplies or respect from staff, kitchen workers, like maintenance workers, face environmental dangers in hot and dirty settings. **There are insects, pigeon feces, and rotted materials on the roof of the complex kitchen, which women working maintenance are expected to clean without proper safety gear to reduce inhalation of hazardous toxins.**

V gave us an example of a typical task for maintenance:

So, because there was holes in the roof, our boss didn't want us to wet it and wetting it helps us, you know. We got to bag up all this shit. And when it's dry, it's like the particles of the shit just kinda go in the air and it's a pit to where it's probably like eight or nine feet tall. There's walls that hold these coolers and the pigeons go in there and they lay their eggs. They go underneath the coolers, build a nest, sometimes you have dead ones in there, you have little baby ones. And we gotta bag them up.

(V interview, 2019)

On another job, V asked her boss to provide safety gear and was warned not to ask: "I remember telling my boss that I needed a face mask because there's asbestos, and his response to that was, say that word one more time and you're fired" (V interview, 2019). Maintenance workers are also asked to climb ladders and buildings without proper safety equipment.

Jobs with private contractors Hickman's Farms and the print shop have also been known to cause severe injuries. Women working with Hickman's are required to build chicken coops and administer antibiotics, both of which often leave their hands scarred and disfigured. The print shop requires women to work with heavy machinery that can malfunction and cause grave damage.

Exploitation through Tax Loopholes

Meanwhile, **Arizona designates all prison laborers as independent contractors, requiring them to pay a much higher proportion of their already meager wages through 1099 tax forms so that ADCRR gets a tax break.** This policy change occurred in 2016, when over 8,000 inmates were first required to pay taxes on their wages as independent contractors. ADCRR spokesman Andrew Wilder said that because inmates are "wards of the state," ADCRR cannot be their employer. In essence, as property we cannot be employed by the entity to which we belong. As [Craig Harris reported in the Arizona Republic](#), the rate for self-employment taxes reaches 15.3% of earned income, whereas "regular employees, unlike contractors, share those taxes with their employer." The incentive is clear. ADCRR does not face the same penalties for this practice as it might as a private corporation, but the fact that ACI straddles the public/private boundary allows a range of private corporations to take advantage of hiring imprisoned employees at an extra bargain: at "independently contracted" wages. This tax designation also produces the added hardship of categorically excluding us from *any* employment rights, including worker's compensation for injuries incurred on the job.

Private companies contracted through ACI at Perryville, including Hickman's Farms, Televerde, Aqua Chill, Papa John's, and the MVD provide a slightly higher pay scale, averaging 80¢ an hour. Televerde offers \$4 per hour, but only employs 120 of the population of over 4,000 women in total. Although the pay scale is slightly higher than jobs on the unit, these positions don't come without their fair share of subsequent rewards to the Arizona Department of Corrections.

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After subsidizing our own necessities and food and contributing our meager funds and labor to produce kickbacks for the Department, we have to pay rent to the prison for housing us.

ADCRR Department Order 905 dictates that any contract that pays more than \$2 an hour, known as a retention job, requires a mandatory deduction of 30% of earnings for “room and board” fees. Valentina worked for Televerde for seven years, during which time she paid, exorbitantly, for her half of a prison cell;

I have spent 28 or 30 something thousand dollars on my room and board and they will keep that money. We're talking about hundreds of women who are doing the very same thing. (Valentina interview, 2019)

Taxpayers pay an average of \$32,000 per inmate, per year – so where does this money go? The response from the Department is simply that this money is added to a “general fund.” However, both we and the general public remain in the dark as to how this general fund is spent, and why our paltry wages contribute so much to it annually.

Mandatory Prison Fees

Additionally, D.O. 905 states that of our remaining wages, we must pay: 5% to “transition fees,” 1% for “ITA fees,” 20% for court ordered restitution (if applicable), 20% for “state filing fees,” 20% for “federal filing fees,” 10% for “escape apprehension,” and a flat fee of \$2 for electricity. Department deductions come out of every paycheck, while “rent” and electricity are billed monthly.

With pennies remaining from the dollar, we are left to cover the costs associated with our livelihood. We must make impossible choices. Kirsten shared:

I work really hard in my position, but I am consistently struggling to take care of myself. I often have to choose between purchasing food or paying a \$4.00 fee for a medical check-up or even calling home to talk to my family. (Kirsten interview, 2019)

The costs of maintaining family bonds speaks again to the issue of privatization. **Securus Technologies is the private corporate provider of money transfers, email communication, and video visitation for ADCRR, while IC Solutions LLC provides phone services.** Emails to family members cost us 25¢ per page and 50¢ for photos or e-cards. Meanwhile, a typical phone call costs \$2.00 for a local 15-minute conversation. A long-distance call for those with family outside of Phoenix can cost up to \$4.00. Translated through our wages, this means that **hearing our families' voices for 15 minutes can cost up to 40 hours of work.**

We asked the women we spoke with to share how their hourly wages translate into monthly income, and how well that fares to support themselves. **The overwhelming majority said that without outside family financial support, they would be unable to provide themselves basic necessities.** “Eighty cents is what I get and if I do a full 90 hour whip, I get to bring home 64 bucks every two weeks,” Myra said about working for print shop, the second highest earning job in Perryville. Stephanie makes \$36 every two weeks working 60 hours in the kitchen; “But out of that, every dollar

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I make, they take 31¢" (Stephanie interview, 2019). Riley agreed that her wages are excruciatingly low to begin with, and after Department fees, she is basically volunteering her labor to sustain her own incarceration. She said:

I mean, I wouldn't even be able to buy one bar soap after two weeks' worth of work... I just feel like we're not even striving to be the best that we can be in jobs, and in anything because... we're just doing free slave labor work. I mean, we run the entire prison. (Riley interview, 2019)

Riley's point is significant: while we sustain the prison, we are left unable to afford living here without burdening our families with undue expenses. "If you don't have anybody to support you from out there, you cannot support yourself in here. Like it's taken me a year in a job that I hate to be able to even marginally take care of myself," Stephanie said.

Those who cannot work, who are not employed, and whose income is less than \$12 a month are considered indigent, theoretically supported through ADCRR state issue clothing and hygiene and fed through the kitchen. These women are subject to a dire lack of resources and harassment by officers whose responsibility it is to provide them these basics, as discussed above. Additionally, they are left without the opportunity to communicate with their families at all outside of the two envelopes they are entitled to monthly.

Those of us who can, work to offset the cost of our incarceration on our families; we pay for our hygiene, food, rent, medical, and the prison takes a percentage itself, and we use what is left to communicate with our loved ones. Unless you are part of the very small percentage that is able to get a contract/retention job, the chance of saving for your release is slim to none. And in addition to the issues of working conditions and wages, many women are subjected to jobs that do not provide skillsets to help support their futures and/or with companies that will not hire them post-release. As we will discuss in more depth in our next report, the vast majority of us will be released one day, and the lack of preparation in financial stability and employability will cut us off at the knees before we even leave the gates. Meanwhile, our labor inside sits at the intersection of desperation and exploitation.

Programs

In order to remain consistent with anti-prisoner sentiment among conservative lawmakers, Arizona State has all but eliminated opportunities for growth in prison. **By hyper-focusing on appearing “tough on crime,” this sentiment is reflected in the revocation of most programming, ADCRR policies excluding those with long sentences, and punishment-oriented programs staff.** Further, if and when we reach a hearing for early release, we bear the consequences for failing to forge a way to access programs that aren’t there. Our programming affects our income and chance of release, not to mention mental health, while our sentence determines whether or not access to programs is possible. In 2019, the department re-named itself the Arizona Department of Corrections, Rehabilitation, and Re-Entry. Our experiences as documented in this research series underscore the hypocrisy inherent in this renaming. What happens behind these walls doesn’t have anything to do with rehabbing or preparing us for re-entry.

For decades, programming has been a concern for our population. And for decades, there has been stark attrition in programming available to us. Depending on which unit we are on, available programs also differ greatly; those with the least amount of time on the lowest security yards have access to the majority of what few programs are still offered. Moreover, most of the programs offered do not address root issues and experiences of trauma we endured that made us vulnerable to criminalization in the first place. Those that attempt to do so are a one-size-fits-all program and are typically disconnected from what we actually need. Discrimination and lack of quality programs are compounded for those of us trying to heal from extreme traumas by negligent and sometimes predatory staff.

When there is a program that we would like to participate in, it will not be available to all, or even most, of the women here. **The Department of Corrections established a system called priority ranking about ten years ago. This structure, based on age and amount of time, determines “whether you’re a priority or not, to be considered for any kind of programming or education” (Marlee interview, 2019).** One of our participants, Nephritides, explained how this system affects her access to education:

It’s for the people with shorter time or that’ll be leaving sooner. So if it’s something that I’m super interested in, I might have to wait about six, seven years until I could even be a candidate for the class.

(Nephritides interview, 2019)

Priority ranking has intentionally stifled the programming opportunities for thousands of women based on the idea that they are not worth investing in.

Where we rank in the priority ranking structure will also determine how much we are paid. In Arizona, a GED is required to earn anything more than 10¢ an hour, and yet the GED course is only accessible through priority ranking. Women with sentences over 10 years are rarely accepted into the GED course, leaving them stuck at 10¢ an hour and with limited job opportunities for their foreseeable futures.

Marlee shared:

There's so many people who are waiting to get their GED so that they can get that retention job, so that they can get into Rio Salado, so that they can do something with their time, but you can't do anything unless you have a GED and then you can't get into GED unless you're almost out.

(Marlee interview, 2019)

Withers described how this situation translates into financial livelihood for these women; "My bunkie has 32 years. I believe she has never had her GED. She's not on any priority list, she probably won't be on one for another 25 years, but now she's making \$11 every two weeks" (Withers interview, 2019). Despite such low income, Withers' bunkie does not qualify as indigent (defined as less than \$12/month in wages), and therefore has to figure out how to support herself on this alone.

The education and programs that ADCRR offers at Perryville are few and far between. Classes our friends have actually seen on the yard include only 8th grade mandatory equivalency, substance abuse groups, and sex offender therapy. More recently, Arizona State University has provided several class offerings, but the waitlists for these are always extensive due to far more demand than availability. Beyond these, church services for Christian-based denominations are consistent. Unfortunately, while some Christian services pair with re-entry preparation and even housing and support post-release, only Christian women can qualify. These programs are also highly competitive to get into.

The only other ADCRR classes our participants were familiar with were "Thinking for a Change" and "Cognitive Restructuring" – however, most participants remember these existing a decade ago. Other programs have ceased to exist along with the implementation of priority ranking. Several of the women we spoke to, including Lanae and Winter, only have ADCRR program certificates from classes which no longer exist, and reflect the last time they were allowed to take anything.

I have not received any programming from DOC other than being forced to take computer technology. I was forced to take that. However, I did have my own computer knowledge prior to becoming incarcerated, seeing as I did work as a loan processor... Those who are closer to the gate or to going home are offered the programs before anybody else, and with a life tail behind me, they feel that education would be lost on me. It's a waste of their money. (Lanae interview, 2019)

I recently was made aware of the fact that my computer classes that I did take and get degrees in are no longer applicable towards a bachelor's or towards an associate's degree. I can use them as electives, but I'm not allowed to use them [towards a degree] because there was a like a 12-year gap when I was unable to attend school or receive a scholarship or anything. So that's why I'm having to readjust all of the degrees and things that I'm applying myself towards because that whole gap of time was due to departmental policy changes.

(Winter interview, 2019)

Dixie was able to gain entry into a program for mental health, but once admitted, she reflected that it offered her very little;

There was a long waiting list. The only way that I was able to get into it was I really had to play up that I had severe anxiety so that I could get into it. I do have anxiety, but – it was coloring, it was her reading out of a book and making a journal. It was just kind of not what I had hoped for.

(Dixie interview, 2019)

If we are able to priority rank and access programming, it is often limited to ADCRR sponsored mandatory classes that reinforce pathologies, discrimination, and shame.

On the contrary, the women we spoke with had lots of ideas about the programming they could actually use – and the ways it might differ from what's being offered.

I feel like they need more programs that work on your past and your emotional traumas. Like 99% of people here have been traumatized or victimized in some way, shape or form. Like that's a huge percent. But the only class they have here is cognitive thinking and thinking about what you're going to do before you do it. Well, most of life decisions are made in a split second, like you don't have time to think about. I mean some of them, yes, if you would have stopped and thought before you did it, then maybe you wouldn't have this outcome, but a lot of decisions are instant. (Stephanie interview, 2019)

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These classes are also often taught by punishment-oriented professionals who have been known to treat women in disrespectful ways, up to sexual harassment. Naomi experienced this in a mandatory sex offender therapy class;

As a woman who struggles with body image issues that are at the root of my crime, I expressed this to the therapist. He told me I had 'curves in all the right places' and suggested I show my naked body to another woman in the group as a remedy. (Naomi interview, 2019)

Recently, this therapist was placed under investigation and resigned after 10 years of working with the department following his verbal assault of a woman in a mandatory class. A woman who wished to remain anonymous reflected on her experience with this therapist;

Looking back, many of us have pondered on all of the little things – telling us to stay after alone, wanting to talk about sex scenes between the ladies on the yard, referring to women as cum buckets, talking about body parts – breasts/vaginas, and belittling women to make them feel less than.

Rather than rehabilitating and preparatory for release, **this predatory behavior situates us as survivors of abuse, by and large, right back in the dynamics of control and abuse where we started.** We are presumed to heed authority at all costs here, even in its most violent forms, as we will discuss further in the next section.

The power dynamic between us and the police remains evident in programming as well as on the yard. Even though this was an exceptionally abusive professional, we experience a range of verbal and emotional harassment that is accepted as normal from even our “rehabilitative” staff. We fear that seeking recourse for such treatment may just make matters worse, especially when it's our word against staff's. And because these programs are mandatory, once enrolled, we face disciplinary action for not attending or for disagreeing with the philosophies being taught. A disciplinary ticket can mean loss of job, visits, and sometimes mandatory re-classification to a yard with higher security and worse conditions.

In addition to state-provided and volunteer programs, higher education opportunities are inaccessible to those of us without outside financial support and/or priority ranking. Only a handful of the three dozen women we spoke with had been able to access any higher education, and doing so was at a high cost to their families. Marlee explained: “[As lifers] they will deny you every time for any kind of scholarship, so you can pay for it yourself at \$142 a credit” (Marlee interview, 2019). Most of us do not qualify due to our time. Myra was determined to get an education and had to get creative to do so, since she would otherwise have been blocked from it.

She shared:

I was able to get into Rio, had to be a little sneaky on that one. They weren't originally wanting to let me in due to priority ranking. Um, a friend of mine on Lumley was able to get me in because she knew somebody that knew somebody that got me on the list. (Myra interview, 2019)

While those of us with longer sentences are categorically excluded from programming through priority ranking, programs have also been known to discriminate by charge – even though doing so is counter to policy. Withers was put off from even attempting to get into higher education programming after her experience:

I think it was a Rio Salado distance learning room where I was using the restroom, and there was something posted on a door and it said something like, basically no first degree murderers, like people need not apply.

(Withers interview, 2019)

The severe lack of programs paired with the priority ranking structure have presented a significant challenge for those of us navigating the release process. **We are expected to demonstrate our rehabilitation through programs that either don't exist or from which we are categorically excluded.**

Winter spoke of the stress this has created for herself and her family:

I'm unable to take classes, I'm unable to participate in programs and that has left me on the outside of anything outside of church. I'm able to attend my church services and, you know, I do realize that I need to be able... especially now, I'm feeling the pressures of having to go in front of whatever board I'm going to be facing. And so I've asked my family to come to the table to do what they can financially to start to pay for classes. So I take multiple distance learning classes at a time in order to be able to have a degree or several degrees when I go to this board so that I can say that I've done something with my time. But that's been all family support. (Winter interview, 2019)

Valentina had to confront this gap in 2019. Incarcerated at the age of 14, she was sentenced as a juvenile to life without the possibility of parole. In 2014, she learned that she fell under the *Miller v. Alabama* precedent which granted her the opportunity to go in front of a parole board. She had already spent 20+ years behind these bars and received very few opportunities to attend a program; policy categorized her as a loss because she was never intended to have a release date.

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When trying to prepare to appear in front of the board members, she faced the challenge of having to fill the gaps of productivity in her story; she was able to illustrate her own growth entirely because of her own determination. Had she not advocated for herself for years and even created her own peer-to-peer programs, she may never have been granted parole.

Those of us coming up for Boards must prove our “rehabilitation” despite discriminatory prison policy that prevents us from engaging in programming. **We pay for the Department's failures with our lives.**

The trauma we have endured prior to our incarceration is not eliminated with a prison sentence. It is still there, and something we have to work through alone or with the help of our peers. But we remain human beings with talents, dreams, ideas—they don't go away just because we are incarcerated. The abysmal state of programs and policy at Perryville is enough to break a person. Nicole said,

All of it is surface level and in my opinion it's more for show and to say that they offer something than it is to actually help somebody. That was true 25 years ago, and it's true today. It's a rough environment. It can mentally break you down.

(Nicole interview, 2019)

Every human being that enters the prison should still be granted the opportunity to grow even if they never leave these gates. **We deserve dignified, accessible programming, free from discrimination and predatory staff. And we should not be penalized through the withholding of our wages and freedom as a result of ADCRR's failures to offer us meaningful support.**

Staff Abuse

Staff conduct is often unprofessional. **At best we are treated as if we don't matter.** There is no consistency in rule enforcement; if the officer likes you, your treatment is relaxed, but if he doesn't, you are susceptible to extra enforcement. We have to jump through hoops to appease officers' egos, acknowledging their power with respect. **At worst, we have to endure taunting, discrimination, sexual harassment, and physical and emotional abuse.** These dynamics exacerbate the traumas we have already endured, and frequently mirror abusive relationship patterns we had prior to our incarceration. Ample studies echo what the [Prison Policy Initiative reports](#): "Nationwide research conducted among women in jails found that a majority had survived or witnessed violence, including a shockingly high number — 86% — who endured sexual violence at some point in their lives." As we stated in our previous report, **every single woman with whom we spoke had a history of abuse prior to their incarceration.** Likewise, [recent Urban Institute research](#) states that over 70% of incarcerated women report struggling with their mental health.

The experience of incarceration itself compounds this struggle, and specifically, our participants said that staff exercise power in ways that are antithetical to their healing. Because we are powerless in relation to our "guardians," we have to practice acquiescence and meekness, rather than strength and confidence, lest we be perceived as a threat. The following accounts of interactions with staff at Perryville are pervasive; **every woman with whom we spoke had either experienced or witnessed some form of staff disrespect and abuse.**

Several of our friends discussed the extent of everyday disrespect that comes with living under the authority of officers at Perryville, and wondered why the drive for power among them seems so pervasive.

The disrespect is just, it's dumbfounding. I don't know if this is something that they teach them? Where do they find this caliber of people? Do they just come like the moths to the flame because it's just insane how disrespectful and how demeaning these people can be. The way that they treat people, the way that they treat people who maybe aren't all there, people who shouldn't even be here who need to be somewhere else. It's just the disrespect is just – It's insane to me. I was definitely brought up better than that. (Marlee interview, 2019)

Sometimes you have those officers, who I feel they genuinely care about people and they really don't want to be here, but it's a job to them, a way of supporting their family. But then there's others that take advantage of people. They take advantage of their authority that they think that they have, in some things that they do and how they talk to people – It's a crime out on the street. They would definitely have charges against them. (Zumaya interview, 2019)

The way some of the guards treat the women... We have several different officers here, especially some of the sergeants, that treat women like they're just trash. And it's really hard to digest and fathom that when a lot of people are here because of trauma that took place in their life. It's just a power trip. Everything's a power trip and I see the unequalness that women have in general to their men counterparts. And so that's been really difficult to watch.

(Donna interview, 2019)

Valentina brought up the ways this kind of treatment is normalized through the military influence on policing and corrections, which flows from the top down.

Following several escape attempts at men's prisons, Valentina reflected, additional restrictions were enforced that eventually created the modern distinctions in Perryville across security levels. These dramatically shifted the ability to move beyond one's room, work, and access programming. "But you have to remember," she said, "You have Terry Stewart at that point in time who was part of these transitions and you also had Chuck Ryan. These are the guys who were part of the construction of Abu Ghraib" (Valentina interview, 2019). Military influence affects officers' behavior as well, she argued, through an atmosphere of warfare against the women;

So depending on who's training them, if this [guy] is ex-military, then you're going to get officers that are gonna look at us as terrorists. And especially if some of those officers are ex-military, they're going to treat you as such. And you know, because they're the ones who are quick to bark. They're quick to slam you, quick to get up in your face... I don't know, you kind of just learned to accept that shit. (Valentina interview, 2019)

Officer disrespect often affects our ability to care for our daily needs, from seeking help regarding unhealthy conditions to calling our families. **In each of these settings, we have to negotiate between what we need and what it will cost us.** Even in the most mundane of situations, like submitting a maintenance request, officers seek power through dismissing and taunting us.

Punished for Challenging Authority

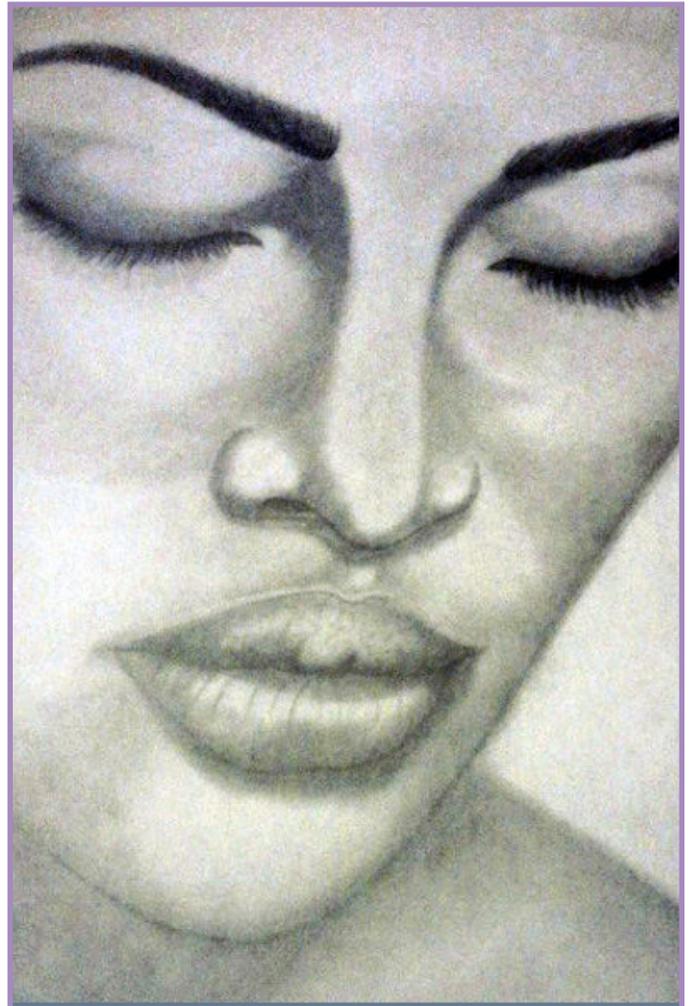
Research reported by NPR in 2018 found that “Across the country, women in prison are disciplined at higher rates than men—often two to three times more often, and sometimes more—for smaller infractions of prison rules.” Specifically, these infractions relate to “disrespect,” “disobedience,” and “being disruptive.” Officers have the authority to hand out arbitrary and emotionally-motivated tickets that can obviously have extreme effects on us, from limiting visits with our families to extending our sentences. Even if the threat of a ticket is not pursued, it serves to bully us into a state of submission and anxiety.

Withers shared:

You can't even get a work order half the time because they don't even want to put it in. If there's something wrong with your house, if there's something wrong with your plumbing, it's no concern of theirs. I spend a lot of time on the phone line. So I'm standing there and he's making a joke to one of the inmates. He said, 'Oh, you want to kick my ass? I'll give you five years.' That's not a joke. That's not appropriate. What is wrong with you? It's only getting worse to keep hiring these younger and younger officers, these idiots that want to come in and be cool and look cool and tell stories and, you know... They think it's a game. These are people's lives. (Withers interview, 2019)

In a women's prison, this treatment is also often sexualized. Moreover, the ways we must train ourselves to respond such that we don't offend the authority of male officers forces us to replicate patterns of survival learned through abusive relationships. Given that so many incarcerated women (and everyone with whom we spoke for this research) have a history of physical, emotional,

and/or sexual trauma prior to becoming incarcerated, this particular exercise of power is devastating. And it reflects the way officers seek to exploit our biggest vulnerabilities as the ultimate form of their power. We are, of course, powerless to stop them.



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Winter explained this dynamic as she has experienced it, as well as the ways it has stifled her ability to practice holding herself with the confidence and strength she has found since escaping her abuser:

It compounds my ability to stand up for myself. To the officers, I am never able to take that stand and there are so many times when they are so wrong. Because, you know, they'll come at us with typical abuse language, you know, they use the f word, they're constantly like 'I'm sick and tired of you fucking bitches.' Or you know, you just simply go and ask for your door to be opened, and then asking for your door to be open is literally you have to go through this whole sex thing, you know, like play playful with your name, and 'Oh, you want your door open? What else do you want?' And if I say, hey, you're out of line, you know, this is what you're here for. All I want is my door open.' Now I've targeted myself because you're angry because I've asserted myself... So typically a woman, especially an abused woman, who's been in a bad power dynamic and not knowing how to regain their own power or empower themselves and being in this type of a position. And so it's compounded the issue when they are disrespectful, whether that's sexually disrespectful, whether that's just verbally disrespectful. I don't have a way in which to apply the lessons that I've learned to stand up for myself. And so being a woman who's been abused physically, verbally, sexually, all of those things, it continues. It's really difficult to empower yourself, but then keep it to yourself! (Winter interview, 2019)

In addition to these kinds of interactions, we must endure the daily rituals of strip searches, cell shakes, and constant eyes on us and our bodies that make a particularly traumatizing experience for women. Visible and physical access to our bodies is normalized, but punitively being exposed and violated in this way is also a form of officers exercising their power.

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Riley shared the following experience with us, after she was taken for questioning regarding suspected contraband.

They told me I didn't have a right to a lawyer, and then they wanted me to sign a paper to go into LDU [investigation unit]. I told them I didn't understand what I was going to LDU for. They said that I had to be cleared medically and by psych to go to LDU, which I found out was an investigations unit. Because it was a Saturday, they didn't have medical or psych available. I get taken in transport over to this little building that I had never seen before and I found out that it was [suicide] watch. I asked why was in watch and they said that they just didn't have psych or medical available to clear me, so I had to sit in watch until Monday when they would be available. I get strip searched in the shower, I'm given my clothes back and I get put into a cell. When I went into the cell, the entire door is glass and there's a little trap door. But the cell was completely empty. There wasn't anything in it. It's just concrete floor, and then a toilet facing the glass door. They said I could have a book. A few hours later, Captain Passioni [sic] shows up at my door. He had his sunglasses on and he asked me why I had my clothes on. I asked him what kind of ridiculous question that was. Why wouldn't I have my clothes on? And he grabbed my chart and he was looking at it and shaking his head and saying, 'no, no, you can't have your clothes on.' And I was kind of laughing, thinking it was a joke. [I said] I was in there because I was under investigation. I really wasn't even supposed to be in watch. He said it didn't matter and I could either give them my clothes or they would physically come and take my clothes... There was also a girl to the right of me in a cell. She also was refusing to give her clothes. They had probably six or seven officers and they physically pepper sprayed her in her cell. They put her out on a gurney, strapped her down and cut her clothes off of her. They tried to get her into the shower. She refused. And so they just kind of wheeled her into that cell and let her lay there. So they came to me and I said, you know what, never mind I'll just give you my clothes. We don't have to do all of that... So I gave him my clothes. So now I'm starting to lose my mind a little bit. I haven't had a man see me naked in... I'm freaking out at this point. So I'm yelling like, you guys can't do this. Then Passioni comes back. He's asking me what my problem is. He still standing at the glass door talking to me with his sunglasses on. Telling me that I just have to sit in there for a few days. He put me on 10-minute watches. And again, I kept saying I'm not suicidal. I'm not in here for that. I'm supposed to be in LDU. And he just wouldn't even listen to me. I kept asking for sergeants, lieutenants... Asked for a CO IV to talk to my lawyer. Nobody would respond. And then a couple days later, psych came to see me. She immediately asked why I didn't have my clothes on. I asked her why I was on a psych hold. She said she didn't know, and that there was no reason for me to not have my clothes on. (Riley interview, 2019)

While officer and staff abuse rarely reaches the point of overt physical assault, it has been known to occur, and most often toward women categorized as SMI – an outdated department designation standing for “seriously mentally ill.”

As we discussed in our first report, Marcia Powell was a young woman categorized as SMI who was killed by officers at Perryville in 2009, after being held in a disciplinary cage outside in the May 107 degree heat for four hours. The disdain and neglect of nearby officers, ignoring her pleas for water, left her to die of heat exhaustion.

During the course of our research, members of our team witnessed another brutal “disciplinary” incident toward a disabled woman who narrowly avoided Powell's fate. Janette Alvarez was walking the track near her yard, talking and gesturing, when CO IV Tracy yelled toward her from about 15 feet behind her. Janette, still thinking out loud as she often did, turned and spat on the ground next to her feet. She didn't acknowledge Tracy and kept walking. From across the yard, Sergeant Ellis bolted directly toward Janette, reaching her, and slamming her to the ground, knocking her head against the concrete. She immediately began bleeding profusely from her head. Ellis cuffed her and left her unconscious and bleeding on the ground, where she remained for roughly an hour before an ICS (Incident Command System) arrived and carried her off the yard on a stretcher.

Janette survived the incident but received two major disciplinary tickets: one for assaulting an officer, and another for throwing a substance at an officer. No one on our research team reported the incident. One woman who will remain anonymous explained:

So even if we were to get people together to say that they witnessed the Janette situation, a lot of people would be reluctant because of the retaliation. No one could stop it. No one can save us, at the end of the day.

The harassment we face on a daily basis from ADCRR staff serves to break us down. The power dynamic that situates us as property of the state is reflected and enforced through the normalized abuse and lack of recourse we have from staff.

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At the Mercy of the Guards

As reported by the Prison Policy Initiative, "The imbalance of power between inmates and guards involves the use of direct physical force and indirect force based on the prisoners' total dependency on officers for basic necessities and the guards' ability to withhold privileges." This relationship inherently disempowers us.

To be unable to have peace, to be always subject to predatory stares and threats, to have to entertain sexual comments, to know that our lives literally hang in the hands of our abusers, to fear disrespecting them lest they use that power. Our treatment prevents us from healing.

Staff abuse in Perryville exacerbates our traumas and trains us to believe we lack choice to be and do differently. But in a system designed to work this way, to achieve total control and submission, what recourse can we expect?

We hold no hope that further sensitivity training would change the way officers comport themselves, as we don't believe these would make a dent in the pervasive power dynamics that constitute the prison. What is in our control are our stories. We share them so that the public begins to understand the totality of the damage this system does – and decide if it measures up to commonly held ideals of justice.



Healthcare

The power dynamics inherent in our interaction with authority in Perryville reverberate dangerously in relation to our health, as evidenced by our exposure to inhumane conditions, exploitative labor, and sexual harassment; when we seek help for the damages this place does to our bodies and minds, the task is also fraught.

Medical care on the inside is treacherous.

In Perryville, women experience inaccessible costs, negligent care, a lack of preventative treatment which worsens existing conditions, demeaning providers, inconsistent record-keeping, resistance to providing reproductive care, and the looming threat of needless death. We have no other options for our medical needs and cannot seek second opinions. Advocating for one's care is often fruitless. The anxiety produced by relying on ADCRR for our survival is made most clear in our lack of access to medical care. So many of our peers have experienced the above issues that we have stopped seeking medical care unless critical.

Parsons v. Ryan

The *Parsons v. Ryan* lawsuit exemplifies the extent to which our lives are regularly left in danger at the hands of our only medical guardians. This class action suit was initiated in 2012 by the ACLU, Prison Law Office, and other advocates to address ADCRR's "broken health care system plagued by long-term and systemic problems that caused numerous deaths and preventable injuries." It also includes stipulations limiting isolation of prisoners struggling with mental health and necessitates improvements to the conditions of imprisonment. ADCRR and Corizon, our previous medical contractor, settled the case by agreeing to address these issues; however, ADCRR has been found in contempt of court twice – in 2018 and 2021 – for failing to do so. This lawsuit is ongoing and critical. Our research adds to its testimony.

The healthcare provider on which we must solely rely is chosen through a bidding process, and the vendor of choice will always be the most cost-effective. In June of 2019, due to an alarming number of complaints and *Parsons v. Ryan*, the ADCRR replaced Corizon with Centurion Managed Care. **However, the only change that occurred was in name; the same providers continue to offer us neglectful care.** These healthcare providers are severely limited in their scope of remedies. We see a very common trend in our community that Tylenol and water is an umbrella remedy for most health issues. The phrase gets laughably repeated:

'Take ibus [ibuprofen], drink water.'

Because this is often the common treatment for everything, a true diagnosis gets overlooked, sometimes for years. When an ailment grows in severity, it often progresses to a grave state here. The *Parsons v. Ryan* lawsuit verifies the numerous senseless deaths that have resulted from this system.

After initial intake, if medical attention is needed, it must be initiated by us through a healthcare needs request (HNR) form and each visit to see either a nurse or physician costs \$4. This might not strike many on the outside as a high number, but considering a wage of 10¢ per hour, it takes our sisters more than 40 hours of work to bring enough home to put toward this expense.

Imagine having to hand over a week's worth of your salary to have a check-up – forget about any necessary follow-ups, referrals, or continued care. Those who make \$4 an hour

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pay the same copay as those making 10¢ per hour, resulting in a stratified system where, much like on the outside, those facing the most severe lack of care are those who cannot afford it. Preventative care is non-existent. Women generally only see medical for extreme situations, often ones that have worsened due to this sustained lack of management.

Weaver came to prison under the care of a specialist and was receiving full treatment for rheumatoid arthritis. Due to the lack of routine maintenance in medical care in Perryville, the severity of her disease surpassed the strength of her current medication, resulting in severe pain. Weaver was bed-ridden. She cried, describing her frustration;

I put in over 15 HNRs in a span of 8 years requesting for specialists to re-adjust my medication... but they withheld that option from me, resulting in years of pain, joint deterioration, and now loss of kidney function. (Weaver interview, 2019)

Weaver's experience is not unique; **many of the participants of our research shared that they had suffered needlessly after relatively manageable conditions worsened and created new conditions.** While we remain inside, we have no choice but to seek care from the very system that led us to this point. Many of us understandably grow pessimistic. Withers shared her frustrations after her multiple conditions have been left untreated;

I give up. I'm done. I'll die. I'm serious. I'm done. They're humiliating. They minimize everything. I have real issues. I have a titanium cage on my bottom three vertebrae. I have titanium rods in my back. They refuse to even do a CT scan to see an image, to make sure that they haven't moved. I have an IVC filter. I have a lot of preexisting issues. And I'm supposed to be monitored every 30 days for Raynaud's disorder. They're not—I've seen them once... During the summertime, my left leg was swelling profusely. It was extremely hot. It was like burning. I've never seen anything like it. She put me on antibiotics like three different times and finally she just tells me that I have some [condition] basically where I retain fluid in my leg. And I said, 'well, what is that? What causes the rash? Is that what causes the high temperature?' She just kind of looked at me and said, well, I don't know, but that's what you have. And then sent me out.

(Withers interview, 2019)

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Not only has Withers been refused preventative care and straight answers regarding her conditions, but she also shared that accessing her own medical records has been a battle.

I even tried to get my medical records to get them sent out and they told me that they lost them. They couldn't find them. How was that an answer? I was told that about five or six years ago they went from paper records to computer records, but apparently, they didn't enter the paper records into the computer. So basically, people only have records from about six years ago.

(Withers interview, 2019)

Some of the women with whom we spoke described interactions with medical staff as demeaning and dismissive, treating them as if they are always putting staff out or exaggerating their pain. Others shared stories like these that indicate a lack of professionalism and/or capability to provide care. Riley, whose testimony above recounted her violating experience interacting with officers who placed her in suicide watch, also experienced sexualized harassment with medical personnel. She described the disorienting interaction:

So I had been working a lot and I had a hernia, a bulge coming out of my right side. It was really painful. I couldn't sit up. I [went] to medical and the doctor, Dr. Johnson, laid me on the bed and he was pushing around on my stomach and he kept commenting on how muscular it was. I told him what I was there for, that it was burning like fire when I was trying to sit up just to change the channels on my TV. His response was [that I should] go do more sit ups every day because it would build my stomach muscles so strong that the hernia wouldn't poke through. And then he told me that if the prison was on fire and he needed someone to carry him through the burning flames, he would want that to be me. So I refused to see him anymore and I kept putting in HNRs to see a different provider. (Riley interview, 2019)

Interactions like Withers and Riley experienced illustrate the dilemmas in acquiring dignified treatment from medical professionals in Perryville. **In addition to dismissals and disrespect from providers, we are often forced to accept care without transparency regarding the reasons why or the consequences of treatments.** And because we have nowhere else to turn, no options for seeking second opinions, and our questions are often ignored, we are stuck.

As Stephanie's experience shows, we also face departmental consequences for both accepting or rejecting such treatment. She shared:

When I first got here, they put me on a medicine that I never ever would have taken if I would've known how getting off of it would have been. They put me on Effexor. It's like coming off heroin. And they started me off on a small dose and they kept doubling it up every 3 to 6 months and finally, I couldn't sleep at night anymore. And to go to [a minimum yard], you have to be on no kind of pills for a year. Well I go [to minimum] in two years. So I wanted to get off of it, and I just skipped pill call one day and I was so sick by the next day, by the time it was time to go up there, it was horrible. Like, I had the shakes and I was freezing cold and sweating and cramping. It was awful. I never would have taken that if I would've known what it was like to get off of it. (Stephanie interview, 2019)

Consent is a tricky thing in prison when we only have so much control over our own bodies, and when ADCRR staff and resource providers have the power to make other areas of our life harder, we must acquiesce. When the damage is done, of course, we have nowhere to turn except back to the same sources, so we suffer and endure.

Reproductive health care in Perryville is difficult to access. Routine preventative care is withheld even when a woman demonstrates pre-existing susceptibility to dangerous conditions. Serious reproductive health procedures are often considered too costly to the department.

Reproductive Injustice

Reproductive care is a fundamental right, and studies show it is especially critical for incarcerated women. A study by the National Commission on Correctional Health Care reported that "Rates of cervical and breast cancer are higher among incarcerated women, likely related to under-screening both before incarceration and while in custody (Brousseau et al., 2019; Pickett et al., 2018)." Another study the authors reference found that "up to 40% of incarcerated women had abnormal menstrual bleeding (Allsworth, et. al., 2007)." Our particular health needs coincide with the stressors of incarceration, inadequate nutrition, and unhealthy conditions. This form of care is critical to our female incarcerated population, and yet the prison negligently fails to provide it. Reproductive healthcare is sorely lacking in this industry built for men's bodies.

Marlee has been suffering from an untreated cyst in her vaginal wall that measures 2 inches in diameter; Corizon medical staff refused to conduct a biopsy, but insisted it is benign despite Marlee's family history of cervical cancer. She reflected:

To get cancer in here is basically a death sentence...you just pray every day that you're healthy enough to make it out of here and that when you get out, whatever issues you have are fixable by then.

(Marlee interview, 2019)

Over a period of 5 excruciating years, Mary's quality of life deteriorated from year after year of reproductive health neglect. Mary suffered from a rapidly enlarging growth on her uterus. After several visits and continuous denials for a hysterectomy, the doctor informed Mary that if the proposal was denied for a third time, it was due to the cost of the surgery.

Mary's frustration grew;

How the hell is my surgery not covered after all of these years? My medical needs are the responsibility of the Department of Corrections. It's a shame that my livelihood depends on an organization that doesn't care if I ever make it out alive.

(Mary interview, 2019)

The fears Mary expressed were shared among the women we spoke with, who echoed that "You hope that if something does go wrong, you don't find out about it when it's the final stage because it's going to be an uphill battle. We see it happen every day with friends" (Withers interview, 2019).

Falisha London, Karen Thompson, and Erika Kurtenbach are just three of the women we have loved and had to watch suffer needlessly as their lives ended in Perryville.

Falisha "was so full of life. Just smiles, just beautiful smiles. I don't think there was ever a time you'd see her that she wasn't smiling or joking about something. She was a G. She was funny and she was strong. She could be crazy – in a fun way. Beautiful. Kind" (Anonymous interview, 2019). For six months, Falisha attempted to get medical treatment for painful lumps in her legs and persistent fevers.

And every time she'd go to medical, they basically gave that standard answer, you know. 'It's nothing. Drink water. Take some ibuprofen. Walk the track. Exercise.' For at least six months... (Id.)

Eventually, a medical provider did bloodwork that led to her leukemia diagnosis. She had her first treatment and had to endure constant harassment from the staff who would accompany her.

I just remember her saying she couldn't get any sleep, she couldn't get any rest while she was going through treatment because, you know, the officers have to sit on you while you're in the hospital room. And they'd play the TV loud, they'd talk really loud, they'd yell back and forth... feel like they needed to be in the room when the doctors were discussing her medical issues... There was even a point in time where she would be so tired that she stuck the remote control of the TV underneath her arm, to keep the TV off so she could try to get some rest, and they would physically take the remote out from under her arm and turn the TV on. Eating, talking, just being rude as fuck. And she even – in her shackles – had to go into the bathroom and lay down on the floor in the bathroom, to get some sleep, because that's how rude they were. While she's sitting there fighting for her life...

(Anonymous interview, 2019)

Falisha never received her second treatment. She shared with her friends that she worried this might happen after she discovered that the cost of her chemotherapy medication had been dramatically increased. She was advised that her cancer could also have been treated using a bone marrow transplant or stem cell transplant,

neither of which looked hopeful. While her family members were trying to determine if they might be a match, they discovered that the Department of Corrections barred them from donating to Falisha. A stem cell transplant was also unavailable because her treatments were being conducted out of a Catholic hospital that refused the procedure.

Falisha was loved dearly. For the Cancer Walk, a regular fundraising event hosted at Perryville, the women on the yard showed her their support.

We had the cancer walk about a week before the Special Olympics came, and the girls in the cancer walk committee had made a banner for her to say, you know, FiFi, your fight is our fight. Everyone put their handprints on it with orange because orange was for leukemia, and her favorite color was actually orange. So she was really happy about that. And she wasn't going to come out, she wasn't feeling good, so as we walked around the track, she was standing at her door and we would wave and she'd wave back and she actually came out for a very short period of time and took a picture in front of it. (Anonymous interview, 2019)

The day the yard hosted the Special Olympics, Falisha told her friends that she couldn't breathe. "She was real shallow breathing, trying to catch her breath, and people would go to the bubble and tell the officer, 'hey, can you please call an ICS, call medical, she can't breathe,' and it was Officer Mims that was there that day saying, 'I wish I could, but Sergeant Hoptuit said that no one is to

come off the yard per Chuck Ryan'" (Anonymous interview, 2019). "Mims was very adamant that they needed to come get her, but her supervisor wasn't allowing it" (Id.)

Because the Director was there, as were numerous visitors, everyone was resistant to help Falisha. Eventually the pill call nurse brought her medicine and saw her breathing, and insisted they call 911. "So they quietly wheeled her to medical in a wheelchair. And that was the last time we saw her" (Id.). **Falisha passed away in the hospital from pneumonia. She was only 31.**

Karen Thompson (KT) was a beloved and respected friend. "The way I have always remembered her was very prideful. Strength mattered, and weakness was not tolerated. She always took care of herself. There was almost an elegance about her. She was confident" (Anonymous interview, 2019). We all knew she was developing dementia. You saw the decline in her personality, in how she looked, how she acted, but she would never go to medical to tell them because she was scared to death that they were going to put her somewhere else. We loved her through that and learned not embarrass her (like when she got an early birthday card for someone).

"She was failing, but then, what are you going to do? Go to medical and say, 'I can't remember things'? And then what are they going to do? [Tell you] 'Drink water and walk the track'?" (Id.)

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She wasn't feeling well, wasn't able to urinate or defecate, and began having chest pains. So she went to medical, where they took her vitals and then sent her back to the yard. She tried again and again over a week and a half and received the same treatment each time. A close friend of hers told the rest of her story:

A lieutenant on Maria told [medical], 'If she's breathing, she's responsive.' I would go in the room and there's vomit all over the wall, all over the bed. One officer did contact medical on day shift and again, medical was like 'Her vitals are fine.' Mr. Winbush and Muhano were trying to get something done. They finally called the Lieutenant, Kramer, and Sergeant Hoptuit. They came down and they went in the room, and made some smart-ass comments on their way out... Kramer compared KT to her dog and had said, you know, 'my dog had a lot of those same symptoms and she just ended up having an ear infection.'... That evening they took her out on a gurney to a van and Lieutenant Kramer expected her to climb into the van herself. They brought her right back that evening after lockdown. The next day I went to check on her again, still trying to get her to suck on some ice. People were trying to get her to eat. I asked her roommate to keep a journal about when she threw up, if she's drinking anything, if she's eating anything, if she's gotten up and used the bathroom... which was an awful lot to put on her bunkie at the time, but, her bunkie wasn't getting any sleep because she was watching her. She hadn't gotten out of bed for days and the [CO's] didn't seem to even give a fuck or notice. [Every day] I went in there, she was worse. Everyone was talking about 'she's speaking in tongues, she's speaking in tongues!' She wasn't speaking in tongues. What it sounded like to me was that she had had a stroke and she could no longer speak or communicate appropriately. I told her roommate, stop cleaning up the throw up. These fucking officers – please excuse my language – have to see this stuff. They have to see what the fuck is going on in here because we are literally watching her die in front of us. It was just disgusting. And I remember stopping officer Talao and telling her, 'You need to help me. I need you to go into this room.' And she threw her hands in the air and she said, 'Medical says her vitals are fine. She's still breathing. There's nothing I can do.' And finally, thank God an angel walked through our pedestrian gates: Lieutenant Manzur. And I ran up to him and I said, 'I need your help, you need to go look at Thompson and you need to look at her now because she's dying and nobody will do anything.' And within five minutes he had a camera down there, called the ICS and got her up to medical. Medical still refused to call 911. They had her up at medical through count until one o'clock. [Manzur] was arguing with them and arguing with them and arguing with them. Finally, they got her to the hospital, and she died shortly later from sepsis and pneumonia, which I'm sure that's all caused from aspirating on her own vomit. They found a DNR in her file.

During the time her friends were pleading with officers and medical to treat KT, both a prisoner and an officer were disciplined for trying to get help. Her friend received a disciplinary ticket for asking her family to contact KT's family to inform them about her condition. Officer Jimenez also chose to call an ICS and was written up by Sergeant Hoptuit for doing so. However, none of the officers or medical staff who saw her in the weeks leading up to her death were disciplined for their lack of action.

I'm angry at them and I feel like there should be repercussions for their inaction. You know, there's people that are sitting in prison for inaction, and are being held criminally liable for inaction. And I feel like they should be held liable, because she would still be okay. It didn't have to happen like that and she didn't deserve to suffer like that. You feel so helpless. There's literally nothing you can do. Once you've tried the two avenues you have, which is the CO's and medical, and nowhere to go from there. They're like God in this little world, you know, and... nothing! It is clear and evident that they killed her.

(Anonymous interview, 2019)

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Erika Kurtenbach, whom friends called Sugar, spoke with us when we first began this project in late 2018. She shared her own story.

When she arrived at Perryville, Erika's cholesterol was tested among other standard panels. It wasn't until three years later that she was informed that

it was higher than normal. She began taking Gemfibrozil, a medication to treat her high triglycerides. She took this for four years before a provider at Santa Maria told her she should not be taking it for that length of time as it could cause liver damage. She was taken off the medication for six months before being put back on it for another two years.

In January of 2019, Erika's blood work showed that she was anemic; she was prescribed eight B-12 shots, of which she only received six. By June, Erika reached out to medical again after developing severe edema of her ankles and feet, sometimes spreading to her calves and bloating them to twice their size. Medical told her to avoid sodium, and did basic blood work, which came out normal.

Erika's pain spread to her right side of her abdomen, under her rib cage and moving into her back when she ate. It wasn't until September that she was seen again by medical. Erika feared submitting an HNR sooner might jeopardize her enrollment in a plumbing class; as a lifer, it was likely a one-time opportunity to program – a necessary accomplishment to show her upcoming parole board. By September, she explained the pain in her right side to medical and her worry that it was her gallbladder. Her pain had not progressed significantly, though, as is typical for a gallbladder issue. Regardless, medical moved forward on this suspected diagnosis.

They conducted a urine analysis, which was positive for proteins, a sign of infection. The provider refused to prescribe her anything for the pain but told her to take a round of antibiotics for a presumed kidney infection. The antibiotics never arrived at pill call, and instead Erika was brought back to medical. A different provider told her it was surely her gallbladder.

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The next week, she received an ultrasound that revealed she had multiple masses on her liver. The provider assured her that nothing in her blood work was indicative of cancer. **She went out for a CT scan in October, which showed that almost half of her liver was covered in masses, ranging from 4.5-8.3 centimeters.** Her liver was biopsied in early November and returned the diagnosis: metastatic colon cancer that had spread to her liver. Her provider ordered a port to be placed, but Corizon denied it, asking that the oncologist send the order. Thankfully, the oncologist moved quickly, and Erika received her port placement the following week.

After the appointment to receive her port, Erika was brought to the Santa Cruz yard. Not 20 minutes after she arrived on the yard, she was called up to programs, where a COIII handed her a medical clemency application and told her to fill it out as soon as possible. Erika spoke to two more CO's before finally reaching some explanation. The Deputy Warden had instructed her to be given this packet because her cancer diagnosis was terminal.

Probably 40 minutes later, she called me back to her office and said DW Theodore said that medical told them to give this to you, and that you need to fill it out as soon as possible. I said, 'okay, thank you.' And lost it. Because again, I live in a butterflies and rainbows world sometimes, like ok, I got this, I don't necessarily feel sick. When you hear that someone has stage four cancer, they should be feeble. Not being able to walk around... Yeah, I get tired. But I muscle through it, and to me, stage four... I spit in the face of cancer. That's what I say all the time: I have cancer, but cancer doesn't have me. You know, in all reality they say stage four, that's terminal. It is. Have there been advances in cancer treatments? Yeah. But it's stage four, so its terminal. Because of the stage, it's going to be an aggressive chemo. And from what I understand, it's going to be bad. I'm going to lose all of my hair. I'm going to lose more weight. I will probably feel like I want to die from this treatment, but I can't. I refuse to give up.

(Erika interview, 2019)

Erika filed her application for medical clemency under reason of "imminent danger of death" within a week of receiving it, hoping to be granted the chance to spend what time she had left fighting for her life alongside her loving mother and daughter. Less than a week later, her application was returned to her with instructions to consider re-applying in five years. Because Erika was charged under the felony murder statute for first degree murder (for a crime during which she was held

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under the threat of her life), her A.R.S. code disqualified her for any type of early release prior to serving 25 years – even for reason of a terminal medical condition. At that point, Erika had been imprisoned for 20 years.

Her mother advocated for her fiercely, but the tragically inhumane system would not budge. Erika began cancer treatments in the Spring of 2019, and fought as hard as she could, separated from her family. She passed away the following year inside Perryville.

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We are stuck with no options, unable to seek medical advice from a party other than the one assigned to our unit, regardless of their lack of expertise. This sometimes looks like a previous provider on our yard who used to close the medical office on days when the internet wasn't working, because she wasn't able to Google our symptoms. Sometimes it is less ignorance and more malice, as in the providers whose disdain for us is clear as they refuse to give us life-saving care to avoid paperwork. In addition to the loss of our freedom, we lose control over our medical decisions and health. We are patronized and abused and have no choice but to accept it. Like the inhumane conditions and treatment we are subjected to, our lack of access to life saving medical care has become part of our punishment. A sentence of incarceration in Arizona prisons can be a death sentence.



Parenting from Inside

Becoming a ward of the state is a particularly devastating experience for mothers. **From facing the loss of our children for years of their lives to the very real threat of losing them altogether, we must fight to protect our right to parent.**

Women who have been sentenced with more than one year may have their parental rights severed, unless the woman has family members who can step up and take custody of the children. If a woman is pregnant with more than one year, her parental rights may be severed following a harrowing birth inside prison.

ASFA

These policies are part of the federal Adoption and Safe Families Act (ASFA) of 1997, which requires states “to automatically file a petition to terminate parental rights once a child has been in foster care for 15 of the most recent 22 months.” [According to the Prison Policy Initiative](#), “the law stacks the odds against incarcerated parents seeking to maintain their legal rights to their children” by adding another layer of punishment onto long sentences; “ASFA sets these mothers up to lose their children as soon as their sentences exceed 15 months.”

The loss of parental rights is almost always permanent. If parental rights are maintained, we must turn our fight to triaging the pains of separation. The mothers with whom we spoke as part of this research shared the depths of this trauma, the hurdles to maintaining bonds with their children and grandchildren, and the tireless work of resisting being torn from our roles as mothers and caretakers.

Zumaya shared with us what her battle to retain parental rights was like, and how she propelled this energy to supporting other women going through the same fight.

After I had my second son, I began to have to figure out how to take custody. And so I had to do that in here. They had what used to be the law library. So I got a job in there and I read everything I could read. I filed my own motions, I fought everything tooth and nail, and not one time I never lost custody. So that’s what led me to think, okay, I can figure this out, I can do this. And then I began to work in there and consistently help other women either get visitation or, you know, fight for their rights to keep their children. I don’t believe that anybody should be able to take your parental rights from you. You’re still a parent once you have given birth to a child. That’s always your child no matter what or where they are in the world. And so that’s what gave me that drive to continue. So I just put everything I had into that. (Zumaya interview, 2019)

The State of Arizona is administrating what they see as “just,” but the reality is more damage and trauma is inflicted through parental rights severance, creating layers of hardships for the children, parents, and grandparents. The legal tearing apart of families becomes a part of a prison sentence for far too many women.

A Disproportionate Burden on Mothers

If we fight for our rights, we must largely depend on others beyond our control; Hollins, Underwood, and Krupat (2019) point out that "For a family, navigating the Family Court and child welfare systems while incarcerated can be difficult to insurmountable. Incarcerated parents are completely dependent on gatekeepers to bring their children for visits and to 'produce' them to the court" (p. 21). The children of women who are incarcerated are disproportionately placed in foster care – up to five times more often than those whose father is incarcerated (Id.).

If we retain parental rights, our kids still suffer during our incarceration. The loss faced by our children is more than collateral damage. It is an immense burden that is an integral part of our sentences.

Dependent Children

Research by Fwd.us found that 53% of women imprisoned in Arizona have a dependent. Hollins, et. al. (2019) report that "the Bureau of Justice Statistics estimated that in recent years, more than one-third of minor children with incarcerated parents, or 700,000 boys and girls, will reach the age of 18 years while their parent is incarcerated (Glaze & Maruschak, 2010)" (p. 7). Especially for children, but for the entire family unit, "Incarceration does not just impact the person who is sent to jail or prison, it reverberates into the lives of their loved ones with severe consequences for their financial security, health, and emotional well-being."

We are not sentenced to this hell alone, and we carry with us the suffering of our children while we often feel powerless to help ease their pain. This is especially distressing for those of us sentenced to decades apart from them. Nicole recollected the effects of this trauma on her children;

The fact that my kids don't have their mommy has been really hard on them. The fact that I've been gone so long. My youngest daughter was 16 months old when I got put into jail. She has no memories of us at all. When she was little, she would come to visit and my other two kids would be talking about memories that they had with me. And I remember watching her put her little head down and act like she was going to sleep because she didn't have any memories and it used to hurt me. So I would tell her memories of things that I remember her doing when she was little that she doesn't remember, you know. The fact that I wasn't there for them, for their graduation, for their marriage, for the first child being born in their life, for their first heartbreak. It's really hard on them, really hard... My kids slept with me, and [my mom] said that when I got locked up she had to sleep in my bed with my kids because my kids didn't know how to be without somebody to sleep with. And she said that when she would go to the bathroom, they would get up and be like, Nana Nana Nana! Where are you? And they would look under the door to make sure that they saw her because they were traumatized. They were traumatized at how I just disappeared. (Nicole interview, 2019)

The hardship of separation weighs indescribably heavy on our children, while we carry their pains next to our own of not being able to be with them. We have to fight against our own depression so that we can be strong for ourselves and for them. This is an incredible task in the midst of our own isolation and degradation inside prison.

Fierce Mothers

Dr. Grace Gámez (2015) calls the strength forged through the struggle to mother within the punishment system “fierce mothering.” She writes: “To create a livable life, fierce mothers learn to live and mother unapologetically; they live, love and operate outside of the binary of good/bad mother scripts. They resist the social norms that label them “bad” mothers, they push back against de facto discrimination, and they defy imposed obstacles in order to claim their right to be mothers in spite of the state” (Gámez 2015, p. 167).

Fierce mothers like Nicole must constantly steady their resolve as they stay dedicated to their dignity.

If something is wrong out there, my whole world in here crumbles. I can't focus. I feel like I'm...I feel like I'm just no good to anybody because I can't help anybody out there that really matters. But I look at my kids and look at my mom and I know that my dad's in heaven and that he's watching over us and that he is hearing my pleas for him to help me to watch over my family. And when I say that, that helps me to continue with that hope because these people aren't going to take my spirit. They may have my physical self, but they're not going to have my mind. They're not going to have my soul. They're not going to have my heart. They don't have that, they can't. I'll never give that to them and they'll never take my title of mommy or nana from me. (Nicole interview, 2019)



While visitation allows some space for us to connect with our children, not everyone chooses to have their little ones visit. The pangs of separation and the brutal reality of the prison environment are weighed by mothers wanting to carve out space to mother in different ways. Stephanie shared with us that while she wants to protect her grandkids from having to enter the prison; she fears that this choice can't continue through the entirety of her sentence.

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I still haven't seen my grandbabies or my daughter here because I feel so conflicted about that. They're so little, I don't want them coming here and seeing me like that. But then again, I'm going to be gone for so long that I feel like eventually if they don't come and see me that they're going to forget me. (Stephanie interview, 2019)

Nicole has worked to become a mentor to other mothers at Perryville, encouraging them to find ways to push through these doubts imposed by the cruel environment in which they're forced to mother. No matter the cold institutional limits, she says, we can always find ways to assert our access to our children.

I've always told women, if you're a mother, reach out to your children. Keep that communication open. Call them. I know the phone calls are just 15 minutes. Call them, talk to your children, write them postcards, check up on school. If they come visit you, pull them aside, get some you and them time, because it's very important that as a mother we continue to follow that path, not let this place say what you can and cannot do. Because when I'm with my children at visit, this place doesn't exist. It doesn't because I'm still focused on them.

(Nicole interview, 2019)

Central to the testimonies we heard from mothers in Perryville was the sense that this institution does as little as possible to help retain these relationships. This systematic apathy is

most apparent when mothers enter the prison pregnant. **Prenatal care is virtually nonexistent, women have been shackled during childbirth, and post-birth care for grieving and recovering women is utterly absent.** Thankfully, the passage of the Dignity for Incarcerated Women Act now prohibits the use of shackling during labor and childbirth; up until this, the practice was common in Perryville. One woman we spoke with struggled to share how this devastating experience felt.

I had my son here and I... I mean, there's nothing that could even explain what I went through for that. At all. There's just, you can't. You can't explain it. It's still... It still gets to me after all these years. I think back to that day and it's like, how do you... How does somebody - meaning the state - how do you do that to somebody? Because - okay, I broke the law, but that doesn't mean that you take that away from a woman, having a child. And having to have your leg chained to the bed while you're giving birth and having male officers standing in the same room. In my mind, I felt raped because of that. They didn't care. They didn't care at all. You just go back to the yard. And your breasts are leaking, your baby's hungry. And you know that's something that no man could ever understand, you know, and they just don't care. And they don't help you. They don't help you to keep your family together. It's all about what they can do to separate you. We don't have that bond because when he was born, I didn't even get to hold him here. I never even held him for a moment. (Zumaya interview, 2019)

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From Zumaya's disturbing testimony to the limits of visitation, to barriers to financial support, we must constantly battle the bureaucracy of the prison to help our children navigate our absence. Furthermore, we must challenge actively confrontational administrators. Nicole shared with us how her personal interactions fighting for the right to send money to help support her children resulted in retaliatory policy targeting lifers like her.

Director Ryan put a halt on all retention funds going out until they revised the policy. When they revised the policy, the policy now said that anyone trying to use the retention fund must have children under the age of 18, which meant minor children. Now mind you, I had already been in prison 15 years by now, so my youngest child was going to be 18 years old, still going to school. So I filed a grievance [to the Director] stating that if President Obama can allow a parent to support their child or children up to the age of 23 years old while they were in school, how is it that the Arizona Department of Corrections will not allow me to pay for my mother's mortgage while my daughter is living with my mother? So what he did to retaliate against me was put into policy that, moving forward, anyone that had more than 10 years in prison could no longer work a retention job to send money out. (Nicole interview, 2019)

Now, not only can we no longer use retention funds unless we have minor children, but we cannot send money directly.

Prohibited from Supporting our Families

As dictated by Department Order 905, individuals may only use retention funds set aside from their wages to send money for immediate family needs directly to outside companies, such as for clothing, tuition, or medical providers, but may not simply send funds. Further, Department Order 903 stipulates that in order to be considered for an ACI-contracted position (capable of accruing retention funds), an inmate must be "within 10 years of earliest, valid release date." Such policies have the effect of further impeding our ability to help support our children and families. Especially for those of imprisoned here for decades during which time we could still be helping to contribute, our families pay the price. This burden is illustrated by [Fwd.us](#), who cite [research by Pew Charitable Trusts](#) on the collateral consequences of familial incarceration: "According to past research, two in three families (65 percent) were unable to meet basic needs such as food, housing, and medical care while their family member was incarcerated. For children, having a parent incarcerated has been shown to cause emotional stress and financial hardship, which leads to a wide range of problems and limits their future success. Numerous studies have also found that incarceration leads to less stable families."

Despite the immense obstacles imposed by the department on our capacity to mother, the women we spoke with demonstrated strength in their resolve to be present for their children. **Maintaining these relationships can be extremely hard, but our research revealed the lengths women go to despite time, isolation, and a lack of support.** Like everything else in here, we also support each other as we navigate mothering from inside.

Nicole organized and facilitated a class on parenting for other women on the yard and shared with us the number of children represented and the project they organized to reach out to them.

What we did was we collected a bunch of postcards for one of our group meetings. And in the parenting class we had 23 women which added up to 53 kids. That's not including mine, just the girls. On our last class, each one of those women got a postcard for each one of their children. And that night, 53 kids got a postcard from their mommy, saying those exact same things. I love you, I miss you, and I'm proud of you. Out of those 23 women in that parenting class, only seven of them are able to see their children. The rest of them don't come to visit. That's really sad. I was blessed to have a wonderful mom, a wonderful dad who raised my children, raised them good. (Nicole interview, 2019)

Family Bonds and Community Safety

Hollins, et. al. (2019) insist that "supporting the parent-child relationship through incarceration 'can be a valuable part of healing' (Adalist-Estrin, 2014). This is true not only for the child but for the parent as well" (p. 23). Likewise, Hairston, Rollin, and Jo (2004) write that "Family connections and other social networks impact not only families' and children's well-being but also the achievement of social goals such as the reduction of crime and the building of vibrant communities" (p. 3). These findings confirm what we know to be true: maintaining our family bonds is critical and promotes safety and healing for us and our communities. This should be encouraged, rather than hindered by this institution.

All of the women we spoke with shared the emotional toll the separation from family takes, and the ways they push through the strain of imprisonment.

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The following excerpts demonstrate the ways that we navigate mothering from inside:

My kids are with family, with my aunt. But I don't think it's as hard for me as it is for other people who just have no contact, that wouldn't know where their kids are or nothing. But it's really hard because I was so attached to my kids. That was my support system. They were everything that I had, you know? So it's hard. It's really, really hard. But my daughter was like, 'Mama I love you' and now that she's older, she stays in contact and we talk, and she understands. I don't talk to her about certain things because to me she's still a kid, but I mean it's just hard. You don't get nothing to [show you] how to be a parent in prison. You hear people talk about it. I have a lot of people ask me questions on how I do it. I don't even know how to do it, you know, I think I just stay focused for them, you know what I mean? (Nephritides interview, 2019)

I try to be just as transparent with [my daughter] as I can. I talk to her like I would my best friend. I don't know any other way... It's hard, it's hard, there's a lot of self-abuse that happens because you think maybe if you were there, it would be different. (Myra interview, 2019)

They're very protective of their mother. All they want is their mother's love. They want me home. They can't wait for me to come home. They wait for every call and they hold on to every minute they make things at home for me all the time they take pictures. I get tears in my eyes thinking about them because I spent half a year going to yard and collecting artwork for them... They know that I'm a fighter and so they support that, and I just try to tell them that good is going to come at the end of this tunnel. (Donna interview, 2019)

Through all the forms of cruelty and control we experience, the isolation from our families is the hardest. While Department policies and excessive sentences restrict our access to supporting our families, we persist, refusing to allow the state to eradicate our relationships. **Our ability to care, fiercely, is the antidote to this place, and its perverse idea of justice.**

Conclusion: Collective Collateral

Legally becoming property of the state means that almost every aspect of our lives is out of our control. We have to fight for basic necessities like clothing and hygiene; we work for cents on the dollar to produce massive profits for the prison; we cannot access education or therapy for our trauma; we live under horrifying conditions; we endure emotional, physical, and sexual abuse from the officers that have ultimate power over and access to us; we suffer at the hands of negligent medical providers; and we are separated from our families who are punished alongside us.

This constant state of uncertainty contributes to anxiety and ongoing trauma for many of us. **Throughout our research, all our participants spoke to the psychological impact of our conditions, which is on top of the prison sentence itself.** Many of us try to survive by keeping our heads down, especially those of us stuck here for decades. Lanae said; “The way I deal with it is to not deal with it and try not to think about it because if I allow myself to, it’s overwhelming” (Lanae interview, 2019). Withers has a similar perspective; “Honestly, it gets harder every year. Every year I distance myself just a little bit more because it gets so hard to watch people leave” (Withers interview, 2019). The pain of imprisonment is both general and nuanced, obvious and intimate; we are gaslit by the state to believe we are being helped, when in reality we are being harmed in every direction.

Many of the women with whom we spoke reflected on how counter-productive this environment is to actual healing and growth, something that is at odds with the department’s goal of “rehabilitation.” Withers pointed out: “I don’t understand why people

don’t realize that if you lay somebody down, it doesn’t make them sorry. It makes them sorry for themselves. You know what I mean? It’s a disastrous place to put somebody” (Withers interview, 2019). Lanae, Withers, and Winter are all serving life sentences and have been systematically discarded by the system. As lifers, these women are mentors and leaders to others on the yard, due to their own strength in the face of such extreme disempowerment. Winter and Withers describe:

I felt like, what can I apply myself to? I’m not allowed to apply myself to anything in here. I have no way of applying myself to anything out there. So all of this growth and beauty is for nothing other than, you know, a personal, spiritual relationship. It really goes no further than that. And that is an incredibly defeated feeling – to not be able to show anyone, your loved ones or your community or anybody. You no longer have a voice to show people who you really are.

(Winter interview, 2019)

I’ve been through some, a lot of really difficult circumstances. I want to pay it forward. Nobody has ever given me that opportunity. In fact, they tell me that I don’t even deserve that opportunity, and that’s what kills me. (Withers interview, 2019)

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The prison fails, though, at completely owning us. Our resilience in the face of each area of abuse we have outlined is evident in the ways we respond to care for one another. From organizing and making contact with folks on the outside to support policy change and research, to writing, to caring for ourselves and each other, we resist our dehumanization.

Collective Action

During the course of our research, we witnessed several moments of collective action unfold. First, in 2018 about one hundred women organized a store boycott in response to the most recent price increases on underwear, coffee, and packaged meats, all of which are considered necessary items. The “toothbrush strike” entailed these women purchasing nothing but a solitary toothbrush for one month’s worth of shopping. [An article explaining the action](#) drew public attention to Keefe’s regular price gouging on essentials alongside the lack of a change in inmate wages for the last three decades. Next, in May of 2019, [marking the anniversary of Marcia Powell’s death](#), women delivered a serving of coffee (Marcia’s favorite) to every woman on the unit before gathering at shift change on the yard for a moment of silence. Over 200 women joined, holding signs stating, “We will not forget Marcia Powell.” As officers wearily passed the peaceful demonstration, one sergeant stopped to stand alongside the group. No one was retaliated against for either of these actions.

The negligent and abusive environment we are in demands that we find ways to stand up for ourselves if we want things to change. We share the details of being incarcerated as a way to resist, and also to challenge what are commonly held beliefs about what time inside is like and so that the public can better understand the purpose and function of incarceration. Prison is a tool that punishes in diverse and totalizing ways, that creates and reproduces trauma that extends

beyond the person incarcerated to their children and entire families. It is our hope that by having this information the public can more deeply consider whether or not this is in the service of justice and safety. With the stories recorded here we challenge the system that would happily leave us to perish.

Key to not letting this place break us is leaning on each other and creating a community of care and collective accountability. This provides us strength especially when navigating, new and old, trauma in here.

There’s no place to talk about what happened with my childhood or my self-worth and whatnot. Nothing. The way I feel is it’s been 10 years of self help – reading books and talking to people who went through it too, finding people who support me, you know, who are rooting for me. Like, you can do this. (Rae interview, 2019)

When you have a passing in your family, it’s very important that people check up on you, especially your state of mind. I was lucky I had a lot of friends that cared about me who also checked up on me, but they don’t do anything to help with that grieving process for people. It’s really, really sad that nobody cares about us. If somebody dies in our family, they don’t care. They think that we’re robots, that we don’t have any feelings, but we do. We still care. We’re still human. Even though they don’t want us to be. They want to dehumanize us. (Nicole interview, 2019)

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The kinds of mutual care the women with whom we spoke describe center empowerment – of oneself and others. Prison is a devastating place to be; our histories of abuse are compounded here. And yet we find ways on our own to reclaim our dignity. The array of acts of care and support are awe-inspiring and borne out of necessity. As Withers described:

I've never experienced so much encouragement in circumstances ever. There's so much pain here that nobody wants to hurt each other. You know what I mean? For the most part, we just want to bring each other up. I can just avoid people for a few days because I have a tendency to go into a hole and read books and stuff, and you know, people come to draw me out, to make sure that I'm okay. I've never had that before. We do it for each other, and the truth is we don't trust anybody else at this point. We're here to do it for each other because we know it's not going to come from anywhere else. Especially when there's a big medical disaster. We have to be there for each other. It's so scary. I've never been so personally affected by what other people go through either, just because we're all in so much pain in here. And you just hate to see other people suffer, but everybody's suffering in here. Everybody, especially during the summertime, it's a 115 degrees. There's no relief. No relief whatsoever. People are suffering. People have breakdowns. It's inevitable. (Withers interview, 2019)

In a place of desolation, as Withers describes, we must care for each other, and we recognize our shared struggle against a common source of abuse. And by standing as collateral for one another, we protect each other. But we also model true community accountability which the outside could learn from. Those of us doing long sentences especially recognize the significance of our relationships to each other in everything we have learned and struggle to endure here. We grow up together, celebrate together, mourn together. This family also helps us to collectively claim the hardships and triumphs we have been through together.

The DOC doesn't get to take credit for who I became. They don't. No. My comrades do, the women that raised me. I lived through their lives. I learned lessons through their lives. I traveled the world through their lives. They gave me a bigger vocabulary, they gave me... they gave me them, they gave me the world. (Valentina interview, 2019)

I've done a lot of time, and I have a lot of friends who have done a lot of time. We've kind of grown up together in a sense... They want to stay in contact and they tell me that helps them. They remember. And it helps me, because it's not forgotten. (Angie interview, 2019)

There's a lot of beauty here. There's a lot of beauty and there's a lot of growth, and it's not being given by the department, but it's being given by whatever anybody believes in - it is absolutely being given. I believe in opposition in all things. So where there's darkness, there's incredible light. And if this is a very dark place, with that being said, it meets its match in light. (Winter interview, 2019)

Care is the antidote to this place, and those of us held captive here are the ones who keep it growing, keep the resolve to resist being made property of the state, keep our hearts strong with conviction that we are neither broken nor done fighting for ourselves, our families, and our communities. We share these stories, of the myriad ways the state attempts to dominate us and extract from us and how we resist, in order to raise an indictment of this form of justice presented as rehabilitation. **If the public wants accountability, it requires healing.** As incarcerated women, our voices are regularly silenced on multiple fronts, as "criminals" and as women, by those on both sides of incarceration discussions. We refuse to stay silent. We hope this report will generate realizations and outrage that lead to legal and policy changes, but primarily, we submit our testimonies to be heard.

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Inside Arizona's Punishment System

Part 3: Surviving Perryville Women's Prison

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Inside / Outside

INSIDE ARIZONA'S PUNISHMENT SYSTEM:

Part 4: The Post-Release Life Tail

DRAPETOMANIA COLLECTIVE 2021



***And when the sun rises we are afraid
it might not remain
when the sun sets we are afraid
it might not rise in the morning
when our stomachs are full we are afraid
of indigestion
when our stomachs are empty we are afraid
we may never eat again
when we are loved we are afraid
love will vanish
when we are alone we are afraid
love will never return
and when we speak we are afraid
our words will not be heard
nor welcomed
but when we are silent
we are still afraid

So it is better to speak
remembering
we were never meant to survive.***

Introduction

Our series thus far has unveiled patterns of criminalization, contradictions of the criminal legal system, the hypocrisy of rehabilitation, and the abuse we face inside. Collectively this series makes clear that, despite its name change, the Arizona Department of Corrections, Rehabilitation and Reentry does not help people heal nor prepare them for reentry.

In fact, according to AZDCRR's own data, 50.8% of people currently incarcerated have a history of a prior term of incarceration.¹ Arizona ranks as having the fourth highest incarceration rate in the United States. It is also the only state that mandates our population serve at least 85% of their time before being released, with scarce opportunities for earned release credit, no parole board, and an effectively non-functioning clemency process.²

The size of Arizona's female imprisoned population has grown 20 times over, from 180 in 1978 to 3,720 in 2017, and doubling since 2000 alone.^{3,4} Statistics show that our female population is contributing to mass incarceration at a high rate and is exacerbated by Arizona's lack of release options. Out of the thousands of women who have been admitted to Arizona's prisons, approximately 66% have a prior felony conviction – surpassing the overall average. As a result of

these alarming statistics, we are concluding this four-part series with an examination of what we understand to be the barriers to successful re-integration post-incarceration.

The vast majority of people currently incarcerated will be released. In fact, the Bureau of Justice Statistics estimates that over 600,000 people are released from federal and state prisons each year. Any one of us could potentially be your neighbor one day. Our friend Winter asked a question we are all plagued with: “Even after climbing the mountain and getting out, how well am I going to be received?” (Winter interview, 2019). **Will we be welcome in the community? Will we be able to find a job that allows us to support ourselves? Will we be able to attend school? Will we be able to secure housing? Will we be able to see our children?** Amid so many unknowns, what we do know, as we have spoken directly about throughout this series, is that we have not received meaningful support, and in fact face leaving prison with more damage than we started with. While ADCRR has failed to prepare us for release, we discuss in the following report the ways the prison's ideologies of punishment have extended into the public: discriminatory policy and practices guarantee that our sentence is anything but over.

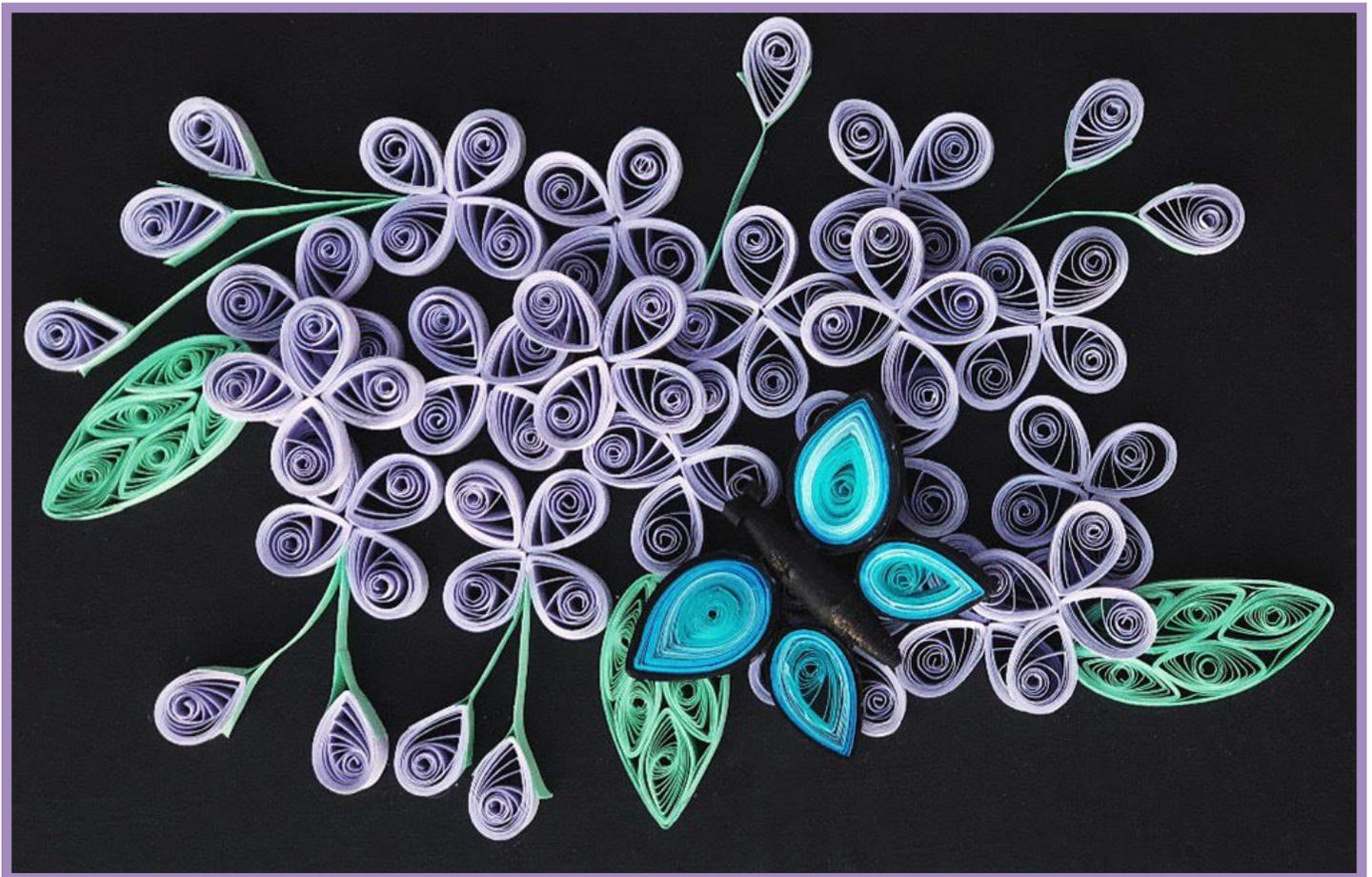
1. <https://corrections.az.gov/sites/default/files/REPORTS/CAG/2021/cagjune-21.pdf>

2. See our second report for an in-depth discussion of the process and outcomes of Arizona's Board of Executive Clemency.

3. <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-arizona.pdf>

4. <https://36shgf3jsufe2xojr925ehv6-wpengine.netdna-ssl.com/wp-content/uploads/2018/12/PART-3-The-Harm-to-Women-and-Families.pdf>; Significantly, during the same time period, the national incarcerated female population only grew 19% compared to Arizona's 104%.

Recidivism is built into Arizona's method of punishment. The conditions placed on post-incarcerated women are so excessive that meeting the requirements is nearly unattainable. Moreover, these requirements directly impede our ability to find adequate work, housing, healthcare, and other services necessary to survive, rebuild our lives – or even stay free. As with the previous reports in this four-part series, the present report reflects in-depth interviews with over 30 women in the Arizona Department of Corrections, Perryville Complex. Through our conversations, we found common concerns surrounding release, including: release conditions, support systems, resources, societal acceptance/discrimination, trauma and emotional health. The following report focuses on the obstacles we face when preparing to re-integrate back into society. We conclude with recommendations for a different pathway forward.



Landing on Our Feet

The anxiety all of us share about release lies largely in the uncertainty of it all. *Where will we live? Will anyone hire us? Will we ever feel accepted? How will we heal? Is it safe for us to dream about our futures?* From those anticipating release soon to those treading the delicate tightrope of hope for relief from life sentences, we struggle to know what we can plan for. As one of our participants put it: “When you say, I’m preparing for release, how do you prepare when you don’t even know what you’re going to? We don’t know what we’re walking into” (Zumaya interview, 2019).

Every woman we spoke to for this project shared that trying to prepare for release felt overwhelming – not because they were concerned about their own capabilities, but because we know the world we enter after years of separation and now with felony convictions will be an entirely new place. The emotional toll of imagining release is even harder on those whose release is still years away. Marlee, who still has 12 years left, shared: “We don’t really like to think about the going home time. It’s still really far off” (Marlee interview, 2019). We don’t know so much about what is possible for us after prison. We are confronted with enormous obstacles without the benefit of preparation to meet them.

All of the women with whom we spoke have or will experience struggles with the most basic of release conditions: housing, transportation, and employment. Upon release, society demands that we immediately rise to the occasion of being a productive member of the society from which we have been isolated. The brutal reality of spending years of our lives trying to prepare from behind bars and reintegrate back into the community with nothing to show for it sets the stage for the

first step backwards. As one woman put it,

I have to start over with everything – clothes, shelter, food, a job, and it’s overwhelming to think of even now.

(Anonymous interview, 2019)

Starting over is hard enough. If you have a felony record, there are significant obstacles to overcome just to meet basic needs around housing and employment. These two imperatives are also frequently part of our release conditions. This means if we are unable to meet them, and urgently, our release will be revoked and we will be sent back to prison.

Although not everyone meets the requirement, the average Arizona prisoner walks out with only a \$50 “gate fee” – this is the amount that is set aside to supply us with the things we need to leave prison. The financial burden for just basic survival for the first few days home creates a huge stressor because we know the \$50 is going to quickly run out.

The First 72 Hours

[The Marshall Project](#) reports that “the first 72 hours after release are critical to determining whether a former inmate’s path will lead away from prison or make a sharp U-turn.”

Things as small as paying the fee to obtain a state issued ID or driver's license, a few clothing items, and food for a few days becomes a huge burden and leaves us wondering how we are going to be able to make it to the next day. If we don't have our housing already arranged, we must put our \$50 toward a hotel lest we end up on the street. Being able to land at a halfway house or a rental of our own requires substantial financial support, which not everyone has. **After subsidizing our own incarceration at great financial detriment to our families for years, we have had no opportunity to save for our futures.**⁵

Housing

A good portion of our population must provide an approved housing accommodation prior to being processed for release. This is an extremely difficult task to accomplish from behind bars, especially with ambivalent officers assigned as our "counselors." **Denial of housing due to criminal background is not illegal in Arizona, or nationally.** While fair housing laws prohibit discrimination based on "race, color, religion, sex, national origin, familial status or physical or mental disability," past felony conviction status is not a protected class.⁶ **As such, landlords and property managers have ample opportunity to automatically reject applications for housing from formerly incarcerated people – and they do.**

Discrimination and Homelessness

As [Prison Policy Initiative](#) research demonstrates, "The use of credit checks, exorbitant security deposits, and other housing application requirements – such as professional references – can also act as systemic barriers for people who have spent extended periods of time away from the community and out of the labor market." It is not surprising, then, as they report, that "formerly incarcerated people are almost 10 times more likely to be homeless than the general public" (Id.). Further, this impact is gendered: formerly incarcerated women have been reported to be twice as likely as men to experience homelessness upon their release.⁷

The threat of homelessness if we are unable to secure housing is compounded by the larger housing crisis. Patricia McKernan (2017), writing for the *Journal of Community Corrections*, points out that "Homelessness, housing instability, and the lack of affordable housing are inextricably linked."⁸ And this "lack of affordable housing leaves ex-offenders competing for the same limited resources with others who have no criminal history" (Id.). In Arizona, with its particular thirst for conservative tough-on-crime dead ends, "the appetite for restricting benefits to ex-offenders is strong" (Id.). This mentality seeps out through lack of legal protections and generally applauded efforts to keep neighborhoods "crime free." By appeasing this pattern, the state perpetuates its own crisis while averting the public gaze; McKernan (2017) notes: "Making individuals and families ineligible for services reduces the appearance of a demand for social entitlements and therefore reduces the obligation of the public entity to provide such services." Because ex-prisoners are not a protected class and their discrimination is normalized, it is hard to account for the sheer numbers of formerly incarcerated people affected by housing instability or inaccessibility. Meanwhile, the state is absolved of all social duty.

5. See our third report for more on prison labor, fees, and the costs of hygiene, food, and medical care for our population.

6. <https://www.azag.gov/civil-rights/fair-housing/what-is-fair-housing>

7. <https://www.voa.org/homelessness-and-prisoner-reentry>, citing Fries, Fedock, and Kubiak (2014, p. 112).

8. <https://www.voa.org/homelessness-and-prisoner-reentry>

Demand for housing is so high and the resources are so scarce that our assigned COIII cannot even assist us with finding a location that will accept us. **For some of us, this can cause our release date to be delayed, forcing us to stay in prison longer.** Often these concerns are ignored by prison staff, who represent our only consistent access to re-entry planning until our actual release. In a recent situation, one of our peers narrowly avoided an extension of her sentence due to a lack of housing – and assistance. Nine months before her release date, she went to her counselor to inquire about a halfway house or a faith-based community housing program because she fears going back to the same conditions. The counselor told her that she did not have time for her and to come back another time. Her repeated attempts got her no further than where she started. Finally, 60 days to the gate she was able to get help from the COIII and get a few addresses to contact to obtain applications for possible housing options. Thirty days later, she found out that she was still on a waiting list and may or may not be accepted to get a bed. This uncertainty left her with no guarantee of a release at all, much less a place to live. If we cannot find housing, depending on our release stipulations, we may be released as “transient.” The options for shelter that we find available to us lead us to feel utterly hopeless. As the research above indicates, this situation is dire and common.

Having shelter is a basic human necessity. We face high opposition to a universal need, which enhances the emotional and financial burden. **Several women with whom we spoke shared that they did not anticipate any support from family with housing upon their release. Some did, but worried that their release stipulations would bar their families from hosting them, especially when doing so might violate their lease.** Housing alone or with family demands

compliance with crime free community barriers. Several participants shared that they felt forced to live in areas that they did not feel safe in, due to their backgrounds. Marlee encountered this discrimination when she applied to live in a community in Scottsdale; “I was denied to parole to my family’s home because they lived in a ‘crime-free community.’ I was ultimately forced to reside in a neighborhood where I did not feel safe” (Marlee interview, 2019). Such regulations relegate us to more heavily policed neighborhoods with fewer resources and less housing stability.

Other women have lost their support due to the length of their incarceration. [The Urban Institute reports](#) that the amount of time people are serving in prison has increased since 2000 in every state. And according to [Fwd.us](#), women incarcerated in Arizona serve significantly more time than in other states for comparable charges. Marlee, who still has 12 years remaining of her 20-year-sentence for a non-dangerous offense, recently lost her mother to cancer. “My mom was all that I had. She was my everything. Now where will I go?” (Marlee interview, 2019). Sadly, the loss of loved ones is common among our population. Without other support, many women walk out with only the clothes on their back and \$50 in their pocket.

Transportation

Transportation is an often-overlooked necessity for our population. Few of us can obtain a vehicle due to a lack of financial resources. The other alternatives to buying a vehicle are to utilize public transportation, ride a bicycle, walk, or, most often, rely on the support of others. **A lack of transportation can jeopardize our already precarious employment, as well as obstruct our compliance with any required parole and/or probation appointments.**

Dixie shared her experience;

I was mandated to appear at TASC to provide a drug screening analysis by 5pm on a Wednesday... My sister was late picking me up and the office was closed by the time I got there... I was fearful of being violated for non-compliance. (Dixie interview, 2019)

This obstacle has been variably recognized, including by Arizona Governor Doug Ducey's office, who in 2017 noted that "lack of transportation has been identified as a significant hurdle for many individuals looking to re-enter society in Arizona."⁹

Several of the women we spoke with shared the challenges they anticipate with acquiring transportation upon release. Some of us came to prison as juveniles or young adults without ever having had the opportunity to drive a vehicle, presenting an immediately pressing learning curve. Valentina was sentenced to life without parole at the age of 14. Due to the Supreme Court ruling in *Miller v. Alabama* declaring "life without parole" an unconstitutional sentence for a juvenile, Valentina will now be released, two and a half decades later. Among her many challenges will be figuring out how to even operate a vehicle. Valentina explained, "I am a forty-year-old woman

and barely know anything about technology, let alone how to drive a car or find someone to teach me" (Valentina interview, 2019). **Reliable transportation can mean the difference between remaining free or being sent back to prison for failure to sustain ourselves and meet the demands of our release stipulations**, which are extensive for Valentina.

To own and operate a vehicle – especially while on probation or parole – we must provide proof of a valid driver's license, current registration, and insurance, all the while being able to afford the fuel and maintenance. This can be an overwhelming burden to anyone newly released.

Additionally, those of us with any unpaid fines and fees with the MVD that accrued during the course of our incarceration may be denied the opportunity to obtain a driver's license based on these debts alone.¹⁰ Research by the Justice Department surveying 1,000 formerly incarcerated people demonstrated that 83% lacked a valid driver's license.¹¹ Meanwhile, roughly 70% of people in Phoenix, where Perryville is located, drive to work.¹² In cities like Phoenix where the light rail runs primarily through developed and expensive city centers, commuters must often take multiple buses to reach the line or their destination. Without a vehicle, the delays of public transportation can be significant to our ability to maintain steady work and otherwise meet the requirements of parole.

9. <https://azgovernor.gov/governor/news/2017/11/arizona-partners-uber-second-chance-rides-program>

10. See https://www.washingtonpost.com/outlook/youre-out-of-prison-now-you-have-to-get-your-drivers-license-back/2019/04/04/9e8325f8-5651-11e9-8ef3-fbd41a2ce4d5_story.html

11. <https://nij.ojp.gov/topics/articles/major-study-examines-prisoners-and-their-reentry-needs>

12. <http://zipatlas.com/us/az/city-comparison/percentage-population-drive-to-work.2.htm>

Employment

We all face the dreaded question of “Have you ever been convicted of a felony?” For most, this is the biggest hindrance, particularly around employment. Employment is often mandatory to avoid revocation and being sent back into prison. Survival for all of us is dependent upon money to pay bills and the financial obligations set by the court. Yet, with limited opportunities for employment and more legal discrimination, the cards are stacked against us. As discussed above, **formerly incarcerated people are not a legally protected class, making most forms of discrimination against us as job applicants perfectly legal.**

Legalized Discrimination

Working for the state is not prohibited based on felony status alone, as per A.R.S. § 13-904(E), but we may be denied employment for reasoning that our felony status relates to our ability to perform the functions of the job.¹³ Because we have no legal recourse, we have no capacity to question such determinations. This discretion extends to acquiring professional licenses for work in particular fields. According to the Maricopa County government website, state “licensing agencies have enormous discretion to deny ex-offenders from obtaining licenses based on a finding or reasonable relationship” between our sought-out work and our convictions.¹⁴ The state boards for cosmetology, real estate, and even pest control all expressly prohibit the licensing of formerly incarcerated people. Beyond licensed or state employment, there are “no analogous provisions governing private employment” in Arizona.¹⁵ [Governor Doug Ducey recently signed HB 2067](#) into law, set to go into effect in August of 2021, which allows “Second Chance” certificates for certain offenses to be set aside during employment consideration. The majority of our population will not be affected by this change, however. HB 2067 applies to state employment and licensing, but significantly – not private companies. While Ducey’s order encourages similar procedures for private businesses, none are legally enforced. Across the board, employers can and likely will still opt not to hire us once a background check occurs later in the hiring process.

Zumaya encountered this normalized exclusion when seeking employment. She explained:

I submitted 23 job applications before I was offered a position. My felony conviction was definitely a huge obstacle... no one wanted to give me an opportunity. (Zumaya interview, 2019)

13. https://ccresourcecenter.org/state-restoration-profiles/arizona-restoration-of-rights-pardon-expungement-sealing/#IV_Criminal_record_in_licensing_employment

14. <https://www.maricopa.gov/930/Consequences-for-a-Felony>

15. https://ccresourcecenter.org/state-restoration-profiles/arizona-restoration-of-rights-pardon-expungement-sealing/#IV_Criminal_record_in_licensing_employment

This happens far too often when we are simply looking for gainful employment like the rest of the community. Discrimination also occurs based on particular charges. Sofia shared her experience with this barrier; “I went to a job interview and once I shared my background of having been incarcerated for a drug charge, I was told that they do not hire individuals with drug offenses. They said that they are required to comply with The Federal Crime Bill” (Sofia interview, 2019). **Both state and federal laws promote our exclusion from the workforce.**

Although measures have been implemented with the “Ban the Box” initiatives and companies are starting to hire a more diverse workforce, we still have a long way to go. We have barely begun to peel back the labels we carry with us. There is so much opportunity among us, and our economy is also suffering because of status-based discrimination.

Vastly Disproportionate Unemployment and Poverty Wages

[Prison Policy Initiative reports](#) that “formerly incarcerated people are unemployed at a rate of over 27%—higher than the total U.S. unemployment rate during any historical period, including the Great Depression.” Compared to the national average, this means formerly incarcerated people are five times more likely to be unemployed (Id.). Notably, their research also shows that this unemployment is due to structural barriers, rather than lack of motivation, skills, or education. This pattern is racialized and gendered, too; Black women experience the most severe levels of unemployment, while white men experience the least (Id.). The threat of unemployment is also greatest during the period following release; researchers found that “of those most recently released from prison (that is, within two years of the survey date), **over 30% were unemployed**” (Id.). If we are able to secure employment, IRS data from the Brookings Institute suggests that “the majority of employed people recently released from prison receive an income that puts them well below the poverty line” (Id.).¹⁶ The repercussion of our population having a second-class status has a ripple effect that not only impacts self-survival and our state economy, but our family and communities attached to us. PPI research reaches the same conclusion: “This perpetual labor market punishment creates a counterproductive system of release and poverty, hurting everyone involved: employers, the taxpayers, and certainly formerly incarcerated people looking to break the cycle” (Id.).

16. Prison Policy Initiative cites the following for this conclusion: Gretchen Purser. 2012. “Still Doin’ Time:” Clamoring for Work in the Day Labor Industry. *The Journal of Labor & Society*; Adam Looney and Nicholas Turner. 2018. *Work and opportunity before and after incarceration*. The Brookings Institution.

During our research, most of our participants had not yet experienced release from prison but shared with us their fears and considerations as they look ahead toward that time. We spoke with one woman who has been incarcerated since she was a teenager, and therefore has no work experience outside of manual labor for the Department of Corrections;

My biggest concern would be how I would market myself, if I'm employable and my age. The fact that I'll be 40 when I get out and I have no job history. My next concern would be who is going to want to hire a felon with no job skills. I feel like it's a setup for failure. (Anonymous interview, 2019)

For those of us serving lengthy sentences, disclosure of our felony status is often accompanied by disclosure of our lack of work history and training, disempowering us on multiple levels in a competitive labor market.¹⁷

In addition to the mandate to disclose our incarceration history, so many of us who have become system-involved by virtue of circumstances of survival have no way of explaining this context when being judged for our charges by potential employers. Winter, who was held at gunpoint in a separate room while a murder was committed at her abuser's apartment, is now serving a sentence of 25-to-life for first-degree felony murder. In her sentencing, the judge instructed the jury that duress was not a viable defense even as he acknowledged she was incapable of escaping the situation without risking her life.

Winter reflected upon her future employment prospects given this first-degree murder charge;

Well, I have an excellent support group and I know that I am employable, and I know that I'm skilled. I just don't know if companies are willing to hire me... I'm certain I would be terrified of me if I looked at my convictions. But I think the sad thing is, is that whatever those charges are doesn't describe what I've just described here... Are there people who are willing to give me an opportunity to show them who I am so that I can support myself financially? (Winter interview, 2019)

Disclosure of felony status is a continuation of our assessment by ADCRR, in which the facts of our case or our histories are overwritten by the single category of our criminal charge. This means we continue to be judged not for who we are or what we offer, but as another number.

Many of us are also hindered in our search for employment by the damage incurred while subject to the conditions of the Department of Corrections. **Increasingly long sentences result in years of our lives spent without access to adequate medical, mental healthcare, and nutrition, leaving us debilitated by the time we return to society.** Access to health insurance is also difficult to acquire without steady employment.

17. See our third report for more on prison labor and programming, and the lack thereof.

Withers, whose Raynaud's disease has worsened due to years of manual prison labor and medical neglect, worries about her future employment prospects when she gets released 16 years from now. She shared with us:

I hate to say that I'll probably be on disability, but according to the United States government I'm 100% disabled, that's pretty much what I'm going to have to work with because of the time I'm doing. I'll be, what, 58 years old? But you know, I don't know what my body's gonna look like. I have no idea what my health is going to be like. I have no idea what I have to look forward to.

(Withers interview, 2019)

Another woman we spoke with shared her concerns regarding her felony status, age, and disability with which she will hope to enter the workforce one day;

Due to the length of my sentence and my age when I am released, I am very concerned about being able to become employed at something which I can actually build a life with. Many employers hire felons but the ones that do usually do not hire violent offenders, which is what my label is. I have rheumatoid arthritis and my medicine is very expensive. However, without that medicine I am crippled to the extent of not being able to walk. (Anonymous interview, 2019)

After surviving criminalization, years of incarceration, and the completion of our sentences, employment becomes an immense challenge. When we are able to finally meet that expectation, it is chilling that the opportunity may be ripped away from us. Legal protections against discrimination and retaliation are nonexistent. We are left helpless and desperate. For the formerly incarcerated, our struggles to work for our own livelihood are precarious at best, no matter how much education or skill we have, or how long it has been since our incarceration. **Our sentences never truly end.**

Additional Barriers

Most of us will face strict stipulations to our freedom on top of the inborn social obstacles of finding housing, transportation, and employment with a felony record. However, those of us who exit will have a term of community supervision or a probation tail, which carry with them their own set of obligations and fees.

Beyond the struggle to survive we are saddled with oversight from officers – who like the prison guards before them – frequently do not care to help us successfully reintegrate into our communities. **This counterproductive approach triggers the constant threat of returning to prison by virtue of a mountain of technicalities we must navigate lest our conditional freedom be revoked.** The idea that the system might prevent future crime by requiring harsh conditions that oftentimes make us visible social pariahs, is bizarre.

At a moment where we are ready to be liberated from the walls of confinement, we are slapped with the reality that we are also returning to a community that no longer wants us. We have served our sentence, have suffered the consequences—more than most know—and are now ready for a new start. But we recognize that upon release, our lives are not yet free, not since we have been numbered and processed by ADCRR. [Maya Schenwar and Victoria Law \(2020\)](#) explain: “From unremitting ‘treatment’ requirements to the stifling protocols of the sex offender registry, many of the structures outside of prison bore uncanny resemblances to the prison itself: control, punishment, and a constant reminder that your body is not your own—that once the system has you in its clutches, you are the state’s to manipulate” (p. 6).

Picture your mother, daughter, sister, preparing to come home after serving 15 years in prison. The thought she carries with her should be of excitement to be reunited with her family. Instead, her head is filled with the stress and uncertainty of strict requirements that could send her back to prison.

Being brought back is a fear most of us have as we draw closer to the gate. By the time we finally start our journey to freedom, we are already overwhelmed by the release conditions that have been looming over us since sentencing. The conditions that concern us the most are financial burdens, probation and parole stipulations, and sex offender registry and mandated programming. Most of the women with whom we spoke shared that they feel unprepared for the parameters of their release conditions. Fears and stressors are already ingrained in us about meeting the standard conditions of release. We understand that we will be judged and locked out of many opportunities and that that will impact our ability to provide for ourselves. We understand that we will face continued marginalization and abuse. From substance abuse testing and geographic and career limitations to mandatory polygraph tests and lack of access to technology, the additional stipulations of our release violate the most intimate parts of our lives while continuing to force us to live in fear of re-capture.

Monthly Fees and Restitution

As the old adage says, freedom isn't free. **The standard community supervision fee in the state of Arizona is \$65.00 a month.** This fee is designated to cover the costs associated with being supervised while on release, even when our conditions are reduced to unsupervised probation/parole and we no longer have to report on a weekly, bi-weekly, or monthly basis. Standard financial responsibilities associated with release conditions are: probation/parole fees, restitution, registration fees, mandated program costs, substance abuse testing, and polygraph expenses. Additionally, fees mandated by the court may be up to \$150,000, before surcharges which can add up to an additional 78% of the original fee.¹⁸ **Payment of all of these fees is also filtered through third-party for-profit corporations like Global Tech Link, JPay, and Keefe – all of which charge additional fees for transactions, and also monopolize privatized resource contracts in Arizona prisons.**¹⁹ These fees are required as part of the insurmountable set of expectations we must comply with to retain our freedom.

Zumaya struggled to meet all of these fee requirements upon her previous release; "I felt so overwhelmed by all of the money I had to pay just to be free... \$65.00 for a supervision fee on top of an additional \$80.00 for restitution [per month]. I was set up for failure right from the beginning" (Zumaya interview, 2019). These fees become an additional punishment on top of the sentence just served, and we are indebted whether or not we have yet been able to secure steady employment.

Sometimes fees like restitution are so hefty that one has to choose between paying that fee and paying for necessities such as a car payment, food, rent, etc. As Sofia experienced:

Rent was due on the 1st of December and so was my monthly restitution payment. I had to choose between keeping a roof over my children's head for the holiday or paying my monthly restitution. What weighed heavy on my mind was the nagging threat of being snatched up and thrown back into a concrete cell for simply not paying.

(Sofia interview, 2019)

Sofia's fears of violating parole for failure to pay fees are warranted, especially when employment as a person with a felony record is unstable.

The "Criminal Justice Debt"

Research by [Fwd.us](https://www.fwd.us) states that this "criminal justice debt" ("large amounts of victim restitution, monthly supervision fees, and other obligations that must be met in order to remain in compliance with parole requirements") is "essentially transferred to families, who may forgo basic needs because failure to pay can result in the family member being returned to jail or prison."

18. <https://www.criminaldefenselawyer.com/resources/criminal-defense/felony-offense/arizona-felony-class.htm>

19. See our third report for more on these companies and their privatization of food, hygiene, and phone and video visitation services inside Perryville.

Other fees associated with release come in the form of sex offender registration fees. These fees can vary in obligation. Donna's probation judgment and order reflect a sex offender monitoring fund assessment that mandates a fee of \$250/month. Donna explained:

The judgment and order form shows two different monthly payment expectations. It's so confusing and I have no idea where to begin. The fees are so overwhelming that I have no idea how I am going to pay them. I am scared of failure and I am not even released yet. (Donna interview, 2019)

This fear is not uncommon among our peers.

Mandatory programming also exists for certain charges, including drug and sex related crimes. Although the programs are mandated by the court and the probation/parole stipulations, we have to bear the burden of the costs to remain in compliance with these release conditions. Through the various programs that are mandated, the fees vary in range. What is also troubling is that the duration that we are mandated to attend a program is solely at the discretion of the program facilitator and/or probation/parole supervisor. This adds to the growing list of fees that are owed each month. For example, one woman's journey to stay free depended on going to a mandated sex offender therapy class that cost \$45 per week and continued for four years, totaling \$9,360. These fees could have funded her additional education to promote employment

opportunities she would not otherwise have. We are indebted to numerous agencies with the costs associated with being "free." **The daunting task of ensuring success is completely dependent on our ability to pay for our freedom.** Our poverty becomes criminalized when steady employment is already illusive.

Back to Prison for Failure to Pay

Inability to pay mandatory fees has amounted to a total "criminal justice debt" of over \$50 billion nationally – money that remains outside of the economy and further marginalizes us, our families, and communities and ultimately accounts for a significant proportion of technical violations that comprise rates of recidivism.²⁰

Parole and Probation

Parole and probation "supervision" are the most ubiquitous forms of post-release conditions, following needs for housing, transportation, employment, and financial security to cover extensive monthly fees. According to Truth in Sentencing laws held over from the 1990s, Arizona mandates that we serve at least 85% of sentences prior to conditional release. **If granted, we will complete the remainder of our sentences under "community corrections," a name indicative of the reach of the punishment system into our communities.** Standard conditions for parole and probation are similar in Arizona, and entail rules such as permitting random visits from officers, only leaving the city with express permission, submitting frequent urine analysis tests, maintaining employment, and making all requisite

20. <https://everysecond.fwd.us/downloads/EverySecond.FWD.us.pdf>

fee payments.²¹ In addition to these stipulations, the courts have discretion to impose additional requirements, from driver's license revocations to community service, to GPS monitoring.²² **Failure to meet these requirements will result in arrest.**

Arizona's "community corrections" website boasts that its program "facilitates the swift return to custody of those offenders who violate conditions of supervision and who represent a serious threat to the safety of the community."²³ **These swift returns constitute roughly 23% of Arizona's imprisoned population.**²⁴ Parole and probation violations overwhelmingly make up the state's recidivism rate, indicating that **a quarter of Arizona's prison population is incarcerated solely due to their failure to meet the stipulations of release.** Given the enormous barriers to our re-entry success, total lack of preparation by ADCRR, and legalized discrimination in employment and housing, these numbers are no surprise to us.

Additionally, recidivism via parole and probation violations creates high stakes for the most vulnerable among us. A [recent Prison Policy Initiative report](#) notes that "Nationwide, two-thirds (66%) of people on probation make less than \$20,000 per year. Nearly 2 in 5 people on probation (38%) make less than \$10,000 per year, well below the poverty line." The costs of such poverty are

high when we can be re-arrested and returned to prison for failure to pay requisite fees.

If we violate the conditions of our release, whether by failure to maintain employment or missing a meeting with a parole officer, we will be re-arrested and subject to a hearing with the Arizona Executive Board of Clemency. **Between 2019-2021, the board conducted over 4,000 community corrections revocation hearings; of these, fewer than 50 individuals were able to remain free, while the rest were re-captured into ADCRR custody.**²⁵ It is no wonder, then, that [2018 research by the Brookings Institution](#) found that "intensive supervision actually increases, rather than decreases, the chance that someone will be rearrested and reconvicted" (Schenwar and Law 2020, p. 35). Parole and probation stipulations create often unattainable standards, given the other existing barriers to our success post-release; **revocations of our freedom then sustain the revolving door of ADCRR's prisons.**

Registry

Sex offenders are among the most hated groups of formerly incarcerated individuals and undergo the most draconian forms of post-release stipulations. Adding yet another layer of governing, the SORNA (Sex Offender Registration

21. <https://www.shouselaw.com/az/defense/laws/parole/arizona-parole-rules/>

22. <https://www.azleg.gov/jlbc/psjudprobation.pdf>

23. <https://corrections.az.gov/community-corrections>

24. <https://azcapitoltimes.com/news/2020/02/15/arizonas-parole-merry-go-round/>; citing a recent Council of State Governments study, *Confined and Costly: How Supervision Violations are Filling Prisons*: <https://csgjusticecenter.org/publications/confined-costly/>

25. <https://boec.az.gov/sites/default/files/documents/files/FY2019%20Annual%20Report%20Signed.pdf>; <https://boec.az.gov/sites/default/files/documents/files/Annual%20Report%202020%20FINAL.pdf>

and Notification Act) laws affect not just our everyday life, but our families and communities we return home to. The life altering sex offender registry is a tool that demands address changes, updated yearly photos, publicized personal demographic and crime details, neighborhood notifications and continuous public and private monitoring. Failure to register as a sex offender is a Class 4 felony in Arizona.²⁶ **The burdens we carry being convicted as a sex offender not only produce punitive consequences but bring about even less economic opportunity and increased discrimination and stigmatization.**

Harassment

Research has demonstrated that “42.7% of registered sex offenders reported losing a job, 45.3% reported losing or being denied a place to live, 47% reported being harassed in person, and 16.2% reported being physically assaulted” (Lave 2021).²⁷ The collateral consequences of the registry on families has also been studied, revealing that “85.8% [of surveyed family members] reported that sex offender registration and notification (SORN) had caused stress in their life... 77.2% said they felt alone and isolated... 49.9% said they had lost friends or a close relationship... and 48.8% said they were afraid for their safety because of SORN” (Id.).²⁸ These numbers help to illustrate the psychological damage that is central to the function of the sex offender registry.

Unfounded Fears

Moreover, the registry performatively functions to appease the unsubstantiated fears of the public. In her [research published in the Arizona State Law Journal](#), Tamara Rice Lave (2021) concludes that “Arizonians are scared of sex offenders.” She cites research conducted by Katz and Webb (2006), which focused on Phoenix residents’ attitudes toward released sex offenders; 78% of those interviewed responded that they believe sex offenders will likely commit more sex crimes in the future.²⁹ This conclusion is disconnected from reality, however; other research confirmed that among 2,416 female sex offenders studied, the average recidivism rate over the course of six and a half years was 1.34%.³⁰ Finally, Lave (2021) points out that Arizona’s sex offender notification laws are quite expensive; “In 2019–2020, the budget for the Sex Offender Notification Unit in the Phoenix Police Department was \$1,980,332, and the projected budget for 2020–2021 increased by \$234,421 to \$2,214,753.” This money might be better used toward public services our communities desperately need.



26. <https://www.azleg.gov/Briefs/Senate/ARIZONA%20SEX%20OFFENDER%20REGISTRATION%20AND%20NOTIFICATION%202018.pdf>

27. Citing: Richard Tewksbury, Collateral Consequences of Sex Offender Registration, 21 J. Contemp. Crim. Just. 67, 71 (2005)

28. Citing: Richard Tewksbury & Jill Levenson, Stress Experiences of Family Members of Registered Sex Offenders, 27 Behav. Scis. & L. 611, 613 (2009)

29. Citing: Charles M. Katz & Vincent Webb, Citizen Attitudes About Sex Offenders and Sex-Offender Housing Policy in Phoenix, in Where Do We Go from Here? A Report on Sex Offenders and Sex Offender Housing in Phoenix, Arizona 78 (2006), <https://cvpcs.asu.edu/sites/default/files/content/products/Katz%20Phoenix%20sex%20offender%20study%20with%20cover.pdf> [<https://perma.cc/9SAK-R578>].

30. *Id.*, citing: Franca Cortoni, R. Karl Hanson & Marie-Ève Coache, The Recidivism Rates of Female Sexual Offenders Are Low: A Meta-Analysis, 22 Sexual Abuse 387, 390, 394 (2010)

We spoke with several women who will face sex offender release conditions including lifetime probation and placement on the sex offender registry. **Donna and Rae reflected on the ways being on the registry is a distinctly precarious condition for women in that it increases their vulnerability to certain kinds of violence.** And as Donna points out, “With women only making up 8% of the sex offender registry, we’re already marginalized on there” (Donna interview, 2019). The public dissemination of personal information, including photos, birth date, home address and phone number unfortunately attract predatory attention, and our participants said that this fear gives them great anxiety about how safe they will be in their future home.

There’s a very modern-day torches and pitchforks type of mindset with sex offenders. And so that is very scary. And then try being a female on top of it, we don’t know who could be peeping or lurking outside of our door.

(Donna interview, 2019)

Rae explained further:

This is the thing, this is the misconception. Just because a woman’s on the sex offender registry, it doesn’t mean that she is easy and I think men find that like, ‘Oh, you’re a sex offender, so you must be easy, let me try to abuse you sexually.’ Right? Try to take advantage of you, whatever that is. (Rae interview, 2019)

This treatment largely goes unmitigated, they both argued, because women on the registry are considered to be both sexually promiscuous and receiving punishment, making them easy targets and unlikely victims. Donna added:

It just further puts you into a position where again, like you say, boys will be boys, that you need to be like, you need to be held to a higher standard, you need to not allow them to do that. Again, in that circumstance where it’s okay for a man to seek a woman out because she’s on the registry and make these assumptions and exert this power over her and because you’re on the registry, it’s on you too still, that they would be this predatory. It’s on you.

(Donna interview, 2019)

Inside Arizona's Punishment System

Part 4: The Post-Release Life Tail

The anticipation and fear of being objectified on the sex offender registry and being publicly shamed upon release compounds the mental battery of coping with re-integration. **Having to deal with struggles of being connected to someone who is ostracized in the community, our families are forced to share that burden and societal condemnation just to be a part of our lives.** Sex offender probation regulations limit housing, employment, and movement in general. Donna and Rae described:

We have to follow very strong stipulations imposed by the probation officer, which could be, you can't go to the grocery store at certain times because there could be children. You have to get approval to go to the movie theater. There are certain things that we have to abide by because we are treated as if we are predators and that we're going to prey on small children. And so those things I'm very concerned about because we cannot live a very normal life. We have to get approval for everything that we do. (Donna interview, 2019)

At this point, I can't see my grandchildren. When I get home I can't have any contact. All my kids are over 18 so I don't have that worry. But my grandkids, I won't be able to. However, with probation, they do offer a chaperone program which all my children can take, therefore they can be my chaperone when I'm around the kids. So that's what I intend to do. And I'm hoping that program is still around when I get home... But let's say that you lived down the street from me and you have a daycare certified, then therefore I can't live there because you decided to have a daycare – now I have to move... (Rae interview, 2019)

The labels that we are branded with become our scarlet letters that never go away. We are bound by society's idea of the price we should forever pay. Essentially, every one of us is serving a life sentence. As Rae said,

If the justice system is supposed to be there for us to pay for so called mistakes, right? To enter back into society like a new person is never meant for us, for the sex offenders. (Rae interview, 2019)

Support System

Navigating the mountain of obstacles upon our release requires help. Having a support system while incarcerated can increase the chances of a successful re-entry. However, the lack thereof can be devastating. Our main support systems include family, friends, and the community as a whole, as well as our chosen family inside. Being apart from our support system causes grief, burden, stress, and emptiness. Returning to various relationships is frightening to face because we have to learn how to reunite, restore, heal, and grieve from the pain of the separation. Simultaneously, we face the loss of friendships that have supported us throughout incarceration when we get out and leave people behind. Zumaya shared:

I started going back to school and then working, and again, it's that appearance of everything on the outside being okay. Well, on the inside, it's not.

(Zumaya interview, 2019)

Those of us who are not fortunate enough to have any type of support upon re-entry face a different type of fear because we have to build an entire support system from an unforgiving community, as well as heal from damaged relationships that did not have the opportunity to be mended during incarceration and are now unfortunately non-existent.

Family

Having family support within the walls of confinement that carries through to release helps us endure incarceration as well as supports the process of family reunification. Donna shared with us how fortunate she feels to have a strong support system while being incarcerated. Her family comes to visit her on weekends and takes her calls regularly. She would feel lost and isolated if she did not have the love, strength, and financial means to help get through her ten year sentence. Having family support is not only helpful to surviving a prison term but it is even more critical to the success of re-entry, to help navigate the barriers that we encounter upon returning home. Nicole, who is serving a lengthy sentence, has been able to draw great strength from her supportive family over the last 25 years, and she knows they will be central to her resilience upon her release. She was adamant saying, "As long as I have the strength and love of my family, nothing else matters" (Nicole interview, 2019).

Throughout our sentence, our families support our release in many ways. **For those of us preparing for parole or clemency boards, family financial support is often the only way we can access education and programming necessary to fight for and maintain our freedom.** Winter explains that due to her lack of a release date, she is

excluded from programming by the priority ranking system. The only way around this policy is, of course, to pay more money. And yet a lack of programming is penalized by the Arizona Board of Executive Clemency. Winter considers herself lucky because of her family's capacity to financially help; "I take multiple distance learning classes at a time in order to be able to have a degree or several degrees when I go to this board so that I can say that I've done something with my time. But that's been all family support" (Winter interview, 2019). Additionally, having completed this programming while incarcerated helps us prove our determination to succeed once released. Valentina was recently released to house arrest; when she went before the Clemency Board to appeal for graduation to standard parole, the Board members again referenced her efforts to educate herself inside as evidence that she will stick to her path if granted more mobility. Had she been financially incapable of completing said programs, the Board would have depicted her as unmotivated – rather than limited by discriminatory policies like priority ranking.

Being forced to remain separated from our parents, children, spouses, and others produces an additional punishment on top of our time: the loss of relationships. Unfortunately, many of us experience alienation from our families. The structures of this place hinder our efforts as well as our families'. Once we enter into prison, we are in a position where the family unit is at risk. The family that we once knew is now torn apart and struggling to keep united. Maintaining relationships helps sustain growth on so many levels. Working to nurture such relationships is extremely difficult with the restraints that come along with incarceration. For our families, navigating the prison structure can be disorienting and frustrating.

Lanae explained:

I think that we have to remember, as much as we need the help and the assistance, I think our families do as well – from the beginning, because they go through a lot of emotions in this process and a lot of families don't know, you know, what do I need to do to write? How do I open up an account for you to call me? How do I come to see you? They're flying blind in addition to all of the emotion of the situation – there's anger, there's resentment, abandonment.

(Lanae interview, 2019)

Brief 15-minute phone calls or occasional weekend visits are not enough to foster relationships from behind the walls. Children no longer have the daily interaction with their mothers and fathers, brothers and sisters. When we are released many years later, we are confronted with reuniting with family only trying to pick up where we left off. Only this time, our family and children are no longer the individuals we had to leave behind. They sometimes feel like complete strangers and we have to get to know them all over again. We enter their homes feeling like we no longer belong in the family unit because there was no way to continue building the bonds or provisions of a reunification process afforded to us. We are now aliens to our own family members and children.

Inside Arizona's Punishment System

Part 4: The Post-Release Life Tail

For Zumaya, her reunification with her family was one of the most difficult parts of her transition home. When she came to prison her child was young. After serving seven and a half years, she returned home to a teenager. The child that she once knew was no longer there.

I returned home to a young man entering his own adulthood. It was very difficult at times to communicate because I often felt like my opinions had no place in his life anymore.

(Zumaya interview, 2019)

Kristen, who still has several years left in her sentence, anticipates a warm return with her grandchildren but feels the loss of these years inside; "I'm closest to my granddaughter because I was there with her for the longest, you know? And it breaks my heart because by the time I get out, they're going to be 8, 10 and 12. Like I'm grateful that they're going to be that young still, but so sad that I'm not there being a part of it right now" (Kristen interview, 2019).

For those of us serving 25 or more years like Lanae, Nicole, and Winter, we are only able to parent from behind bars and are at an extreme disadvantage for reunification because of such harsh sentences.

In all cases, family reunification, or lack thereof, causes another barrier to our successful re-entry. There is so much grief and healing that needs to occur, but with no one offering space for it, we stay stagnant and are not able to begin that process until our release.

Family support in both directions when surviving this system is vital – and difficult. **Time itself contributes greatly to the damage to families, as kids and parents age during the years we spend here.** One woman shared:

I'm also concerned about my family. Most of them are getting older and may require specific care. Am I going to be able to provide that and care for my family? I'm concerned about my relationship with my daughter. She'll be 16 when I get out and I'm sure it's going to be strained, if she is willing to work on one. Her father is a concern also, that he would even allow it and what has been said about me to her.

(Anonymous interview, 2019)

The main concern we heard from our participants with children, like the women above, was that their children will have grown up without their presence, perhaps resenting them, missing them, or having moved on from them completely. This was Nephritides' worry:

That's the only thing that really worries me is really about my kids, because I don't know how some of them is gonna receive me because I haven't been.. I haven't bonded with them. Just one of them, my oldest, you know, but other than that...

(Nephritides interview, 2019)

This is also the case with parents; too many of us have lost them since being imprisoned. Myra's mom and daughter live across the country, and Myra carries the anxiety of her mother's illness with her every day. Still she tries to remain positive regarding her support when she goes home;

I'm not supposed to know about it, but my mom told me my grandma's got a little nest egg set aside. My little brother told me I could come home to him, which is amazing because I didn't think he'd ever forgive me. Hopefully my mom is still alive. My kids will teach me the technology that's out there. I'll flip burgers, I don't care. (Myra interview, 2019)

Where our relationships remain, we must dedicate ourselves to healing and forgiveness, even when this is a struggle for us or our families. **We must resist the prison's capacity to inflict this damage, and we have to figure out how to recover ourselves.**

This was difficult for Zumaya after her release, and she battled feeling like she and her family were too alienated from each other's processes to push through.

So I immediately got home and jumped right back into life, which that's kind of a big mistake because you become so overwhelmed and you're just trying to navigate life all over again on top of figuring out how to make people feel like everything's fine. And then on top of it, my family was like, 'let's never talk about it again. It's under the rug. Brush it under the rug. Let's just not, let's not talk about it again...' But then you have to go through all those things again, things you've already worked through and dealt with and that they never have, because in their minds, 'you went to prison - I didn't.' So therefore nothing's wrong with me. I'm still the same person' - But that's a problem because when you go home, you're not the same person anymore. And there's nothing out there to help mend, and you know, keep working on that. (Zumaya interview, 2019)

Lanae has a long way to go before reuniting with her family, but she sees the opportunity to have that mending which has been suspended while she is stuck inside. She maintains loving relationships with her father and daughter but longs for the day they can be together again, especially after all she has been through.

There's a lot with my family and just being able to do some of the things that we used to do before that would be a complete recovery from it all. Like a treatment to put some balm over those wounds. (Lanae interview, 2019)

After years of painful isolation and psychological trauma in prison, reuniting with family upon release is both vital and nerve-wracking.

Friends

Especially for those of us who have lost family members due to death, abandonment, or the pitfalls of this system, we rely on friends for support. **There is a certain culture within a female prison that relies heavily upon the strength of one another that serves, at times, as a pseudo family unit.** As time goes on, the relationships become a blur and we no longer are able to distinguish the difference because we become emotionally and mentally enmeshed. Because of this strong bond, the support circle continues even when one or another returns home. However, these relationships are severed, under threat of re-capture, upon release.

It is difficult to comprehend that when we go home, the state dictates that we can no longer interact with this family we created and held close for years. Angie emotionally spoke of losing access to her best friend with whom she has spent the last 26 years, anticipating the unpredictability of her current appeals; "She's my go-to person in here for support – I lose that once I'm free?" (Angie interview, 2019). **For decades, we establish a support system but are no longer allowed to continue these relationships because this too can cause us to get violated and be forced to return to prison.** This risk forcefully alienates us from the only people who really understand what we have just been through and are about to go through, as Rae, Donna, and Zumaya all described.

You want to know how their experience was. And it's scary to like say, okay, we don't know what's happening. But then you're in fear of communicating too, so all our friends and support people that left, they are afraid to even say anything because they know they're not supposed to. (Rae interview, 2019)

We're not allowed to talk to people who are sex offenders. So my friends who are dealing with the same challenges are getting out and they're felons so I can't reach out to them. I have to solely rely on my probation officer. I have to solely rely on my family who has not been through this experience and nor would I ever wish this upon them. And so that's a very scary thing. (Donna interview, 2019)

I lost it all, you know, and it would have been helpful to have a group of people behind me that knew what I had already gone through and basically survived from – because it's about surviving. (Zumaya interview, 2019)

At least for the time we are inside together, we look out for one another as best we can and help each other prepare for what's next. Our bonds will not be broken by the state, despite its efforts to alienate and further dehumanize us in this way. We know that we are part of a movement of formerly incarcerated people, and we know that we have each other in mind and spirit. As Valentina said,

It is a community of people, but society is going to see you one way. But guess what? You're not standing alone and you have all of us right here standing with you." (Valentina interview, 2019)

Social Stigma and Community Re-Integration

Upon release into the outside community, ADCRR washes their hands clean of the responsibility for us unless it has to violate our release and send us back to prison. We feel like discarded trash, as we become the responsibility of the community we return home to, whether or not it is one we know or feel supported in. Zumaya summarized this feeling and the frustration it carries:

Society is going to make you feel that way, like you don't fit in. I mean now I think it's a little bit better than years ago because more people, which is sad, but it's because more people are getting arrested and having felony convictions. But why can't we just be humans? Why can't we just be human beings and accept people? If you say our sentence is done, our sentence is done, you know, but it's not and it never will be.

(Zumaya interview, 2019)

Community support is contingent upon the label we have received. More concerns among our peers reflect this. Specifically, the lack of resources, acceptance, and fair opportunity we experience in housing and employment hinders individuals, families, and communities. These barriers affect everyone, but not equally.

Rae reflected on the social stigma associated with sex offenders' re-entry, even in communities invested in criminal justice reform;

[They] talk a lot about prison reform, but people still dance around sex offenders, afraid to use the term. (Rae interview, 2019)

Rae, who had less than one year remaining in her 10-year sentence when we spoke, was having to confront what she was about to encounter when she returns home. "I think a sex offender needs more support on the outside, whether it's with housing, jobs, advocacy, etc." (Id.). Zumaya navigated similar fears, which were confirmed when she was previously released; "I didn't feel like I fit into society anymore. Society was not accepting. Here you go, [we'll] kick you out, and *you* figure it out" (Zumaya interview, 2019). We as individuals shoulder the responsibility to "figure it out" in the midst of social and economic limitations and societal stigma.

Release stipulations, public judgment, and institutional hurdles to access basic necessities set us up for re-capture by the punishment system, and we carry that weight without much social support. And as we discussed in our previous report, the environment of prison disallows us from making decisions for ourselves. We are disempowered for years, even decades, and then dropped into an unwelcome world to fend for ourselves. As Marlee put it, "We're completely reliant on people to take care of us. So how are we supposed to take care of ourselves when come out?" (Marlee interview, 2019). This systematic conditioning – that we are broken down, every step of our movement is controlled, and we are punished for standing up for ourselves – amplifies the disconnect we must navigate upon release. And on top of these social, psychological, and institutional barriers to re-integration, we find ourselves released to a state of **organized abandonment** once again. We discussed in our first report the ways prisons have come to stand in place of social resources, and our experiences with both demonstrate the consequences of this pattern.

Resources are very limited when we are released. Taxpayer dollars are being distributed to fund the cost of incarceration instead of funding to support our freedom; lest we forget, recidivism only reproduces this profitable system. It costs \$25k annually to incarcerate one person in Arizona, and the state budget allocated to corrections exceeds \$1 billion.³¹

Imagine putting those taxpayer dollars to better use by providing education, subsidized programs, counseling, and more. What might our communities look like if we prioritized safety by prioritizing livelihood?

Zumaya has spent years dedicated to helping other women understand what to expect upon release, but she pointed out that none of this preparation will absolve the fact that the society we are preparing to enter needs its own rehabilitation.

Knowing what I need to do to make the best use of this time now and just standing up for myself and for others, it's just... Things have to change out there, they really do, or it's very limited, our success. It's a lot and it's really difficult to explain to people too, what we're returning to. It's very difficult. It's not the same. It's like being in here but harder because in a lot of ways— we don't like it here, but we know we have a roof over our head. We know there's food here, we know we have water, whether it's cold or hot, we know that. So it's just difficult in that, you know, navigating and preparing, making sure we're going to have jobs and the jobs are limited, the housing is limited. So for me right now it's all about fighting to try to get those things in place for myself and other people, because even though I didn't get the life sentence on paper, like in here, I received a life sentence and have been serving it since my first incarceration because it has never ended. (Zumaya interview, 2019)

Throughout this report, we have highlighted areas in which discrimination serves as an obstacle to social and economic opportunities. The resources that are available to us are very limited and based on classification and crimes committed. The Maricopa County website states that “felony convictions can affect public benefits such as housing, food stamps, educational assistance and worker’s compensation. The denial of benefits may be for a year to lifetime depending on the charge and the city where the person resides.”³² For instance, someone who has a drug conviction is unlikely to ever be approved for food

31. <https://www.arizonaindicators.org/annual-cost-per-inmate-2/>

32. <https://www.maricopa.gov/930/Consequences-for-a-Felony>

stamps.³³ **This denial of basic social welfare further hinders our ability to sustain ourselves and our children.** The ideas of our society have been the strongest weapons for discrimination. There is a lack of effort to change and educate the community about truths behind the walls and our system. These weapons leave us feeling less accepted in our very own community, thus pushing us closer towards that revolving door. Zumaya reflected on the ways social and institutional forms of discrimination crushed her spirit prior to her becoming incarcerated for a second time;

Of course I was sad about it, but then in the other sense of it, it was like I was tired of fighting, tired of fighting out there. I wasn't free just because I was out the gate. I wasn't free by any sense of the meaning... How are we supposed to not come back after not really knowing or fitting into a society that has completely passed us by, that we don't belong to anymore? (Zumaya interview, 2019)

Rae also shared her feelings about her behavior being under a microscope when released, and the ways being held to this standard is unsustainable. She hopes to find acceptance even if she must struggle. She said:

I think that's how the society has to see that we're not perfect and we make stupid mistakes and we are all weak sometimes. We can't always be strong and not every decision we make is going to be sound and is going to be right, and that makes us human and that's why I think all we can do is try to be better from the day before and strive to be better each day. But I'm gonna fall. I've got to be very honest. I'm not going to be perfect. I'm gonna fall. I'm going to be a bad mom one week, a bad friend, a bad worker, and not take responsibilities for whatever reason, but acknowledging it and understanding it and have a goal to continue to strive to be better. I think that's going to help. I'm going to surround myself with people who will support me. I might have people come to my door and say some stupid things to me, or that'll be marching in front of my house, I might need to move, whatever it might be. I'm just going to be understanding and move on to where I would feel accepted. That's all I can do.

(Rae interview, 2019)

33. <https://prisonlaw.com/wp-content/uploads/2019/04/AZ-Parole-Benefits-Info-Oct-2017.pdf>

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The barriers to the needs of basic livelihood, compounded by fees and regulatory stipulations are exacerbated by the often not discussed psychological damages re-entry can cause. While legal forms of discrimination abound, the pressures to succeed *or else* further gaslight us into believing that we are the source of our own inability to meet unattainable standards of release. When public sentiment desires our continued punishment, we have limited places to turn for refuge.



Trauma and Healing

Healing should be afforded to everyone, no matter what class we fall into. Every human being deserves the opportunity to resolve pain and trauma. Unfortunately, it has become the norm that those entering a state of incarceration are not allotted that opportunity. For most, there is a layer of unaddressed trauma that brought us to this point in our lives. This includes the often overlooked trauma of the incident for which we were arrested. Secondly, the layer of trauma experienced directly from incarceration compounds the struggle. During incarceration, opportunities are limited to begin the healing process with those we left behind. Upon release, we are entering back into a trauma-filled world while still carrying the anchor of years of unresolved wounds. Angie described the painful process we are shuffled through, arguing that the healing process must address all of these parts in total:

It needs to start at the beginning. Because the trauma starts at the beginning. The trauma starts at the moment that whatever happens that leads you up to your arrest, that event was traumatic. When you're ripped out of your life and you're thrown into county jail, that event is traumatic. When you're ripped out of county jail after a year, two years, three years, five years of sitting there waiting for a plea bargain that you may or may not want to sign, and being ripped out of there and slapped into RNA in prison, it's traumatic. To be ripped from RNA and put onto a yard and having to adjust again - it's traumatic. And then whatever turmoil we go through from A to Z, whether we start at Lumley to medium to minimum, to out the door, that rip is traumatic. And the more time that you do in, the more traumatic it is. (Angie interview, 2019)

As we discussed in detail in our first report, so many of us were gravely impacted by histories of poverty and abuse. These conditions not only traumatized us, but often also meant that we lived in heavily policed neighborhoods with limited social resources.

When we talk about vulnerability to criminalization, this is what we mean. These community conditions don't disappear by virtue of us spending years and years behind bars. And our traumas and feelings of disposability only worsen, having been discarded here.

When asked what our participants felt they would need upon release, in addition to the topics above, many responded like Myra did: "I definitely want to seek some counseling for all of it, from when I was a kid to serving the time that I'm serving" (Myra interview,

2019). And yet while therapy is something most of us will seek out after what we have survived, Zumaya's experience was that even this resource can be alienating given that most professionals have no real references for the very specific forms of trauma we endure. She said:

I couldn't deal with it. There wasn't anything. There was one point, when I got health insurance and I started going to a therapist, and it was just kinda like they didn't really understand. If it's somebody that you go to, if they've never been incarcerated or they won't understand what I went through or the traumatic experiences, like having a baby and then like I literally did not get to see him until he was three months old and that was because DOC made me wait to put him through the visitation process. I didn't even get to hold him at that point in time. I never even held him for a moment. I saw him, that was it. So you have all these things and how do you explain it to a counselor? They don't have a clue what that was like. (Zumaya interview, 2019)

Weaver ended up in Perryville due to the self-medicating she used to cope with her shattered childhood. Valentina found family among neighborhood gangs to avoid an abusive home. Winter, Louise, Angie, and so many others ended up here by force at the hands of an abuser. For Donna, it was a matter of seeking comfort following trauma and deep depression. Eventually, most of the women here will be released back into their communities with a grab bag of potential pitfalls that leave them open to the cycle of old

surroundings and survival tactics. And they and their families will be even more policed because of a felony conviction.

The transition to independence is fraught with the lessons we wish we didn't have to learn while surviving ADCRR custody. As we discussed in our previous report, the more we grow and become self-empowered while inside, the more we have to remember to remain docile and submissive, repeating old response patterns based in fear with officers. Winter explained:

Because, you know, they'll come at us with typical abuse language... they use the f word, you know, I'm sick and tired of you fucking bitches... So typically a woman, especially an abused woman, who's been in a bad power dynamic and not knowing how to regain their own power or empower themselves and being in this type of a position.. It's really difficult to empower yourself, but then keep it to yourself!

(Winter interview, 2019)

For years, the governing body who ultimately decides how we get to heal, grow, and measure our humanity controls our lives. **Upon release, not only were our initial traumatic experiences not dealt with, but now we will be forced to leave with scars from the oppression suffered at the hands of those in authoritative positions.** Donna expanded on how these scars demand better healing resources: "We need help for people in the reentry process. The trauma from the infrastructure of the damage and the violence and everything that comes along under that umbrella. People are not getting the help that they need

when they get out. Mental, emotional, or otherwise" (Donna interview, 2019).

ADCRR is not equipped to address healing because they focus purely on punitive practices while claiming "rehabilitation." Being in this place has little to nothing to do with achieving the healing we need to move forward with our lives. Lanae expressed that her healing has been withheld and unaddressed by her lengthy sentence;

...so many things I haven't been able to deal with in here. I couldn't say goodbye to [my boyfriend]. He died in front of me... You can never have a complete healing without the therapy that you need as well as being able to have conversations and certain comforts with your family... There's a lot of things I'm missing closure on. (Lanae interview, 2019)

As we are released and get our so-called "second chance" in the community, we transition back to our lives with what brought us to prison, and an additional layer of trauma related to what we have had to navigate and witness during our incarceration. With all of this baggage we face the hard work of trying to mend and heal while simultaneously being socially rejected.

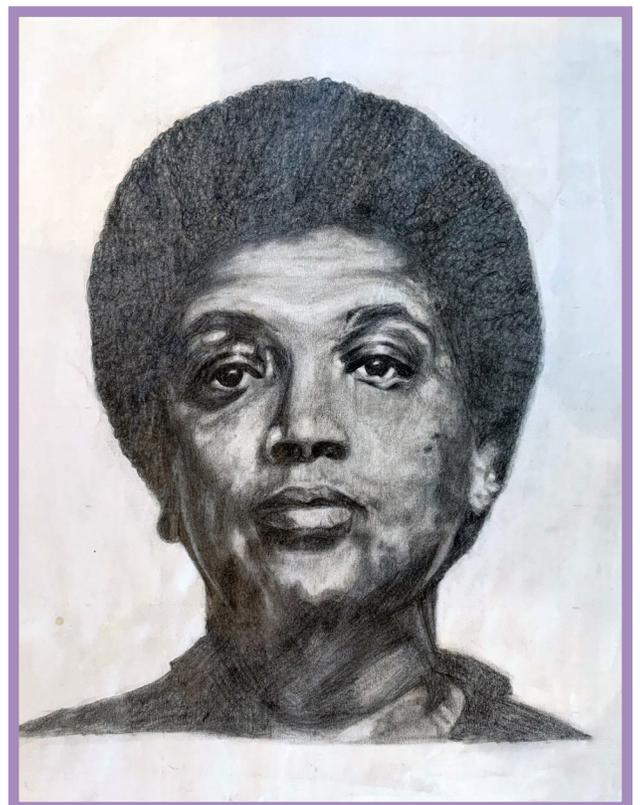
Conclusion: Beauty and Refusal

The mountain of obstacles we must overcome to remain free and craft livable lives is brutal, sometimes pushing us to resignation and withdrawal. We face discrimination at every turn – from housing to employment, to the expectation that we can sustain the constant debt of release and parole associated fees. We are left to fend for ourselves after years of abuse, rather than preparation. The trauma of being criminalized, often since childhood, through to extreme sentencing and cruel conditions of confinement, are compounded with the trauma of release barriers that leave us feeling indefinitely subject to the will of the state that could care less if we make it or not. We know that our “recidivism” is tantamount to the same criminalization of our conditions of survival that brought us here to begin with. And we know that upon release, in many ways, our ability to evade further surveillance and capture by the punishment system is made even more difficult.

Our research reported in this series found patterns related to experiences of trauma, discrimination, exploitation, and egregious state violence from police, court officials, prison staff, and community resource agents – from entry to the system to its “release.” The Arizona Punishment System overwhelmingly entraps individuals with histories of physical, sexual, and emotional trauma, and then subjects them to compounding trauma and disempowerment at every stage of interaction with its institutions and agents while espousing rhetoric of reform and rehabilitation. Communities already disproportionately affected by “organized abandonment” are targeted through policing, harsher sentencing, imprisonment patterns, separation of families, and lifelong

marginalization. The Arizona Punishment System is driven by a combination of vast public spending and extreme private profit, while those entrapped in it subsidize its ability to persist at the expense of their dignity and livelihood. Finally, officials in virtually every segment of the system enforce surveillance and control by physical, psychological, and sexual abuse—feeding their arrest and incarceration rates through manipulation and intimidation; “securing” prison environments through restraints, assaults, and bodily violations; and structurally denying adequate shelter and employment post-release while maintaining the omnipresent threat of re-incarceration.

Our first-hand knowledge of this process is difficult to bear, but we know from our shared struggle that we cannot remain silent, that as Audre Lorde (1978) writes: “It is better to speak, remembering we were never meant to survive.”



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We propose this as a call to greater action: that we all contain the capacity to shape change, to draw from another insurgent author, Octavia Butler. Whether we sit idly by while our neighborhood gets designated as “crime free,” whether we interject when our loved ones disparage “criminals” getting what they deserve, whether we push for reforms that do more to expand the reach of this system than contract it. **This structure and its ideologies were made, and can be unmade.** In order to see real change, we must hold ourselves and each other radically accountable – not retributively, not punitively, but transformatively. We must imagine that we DO belong together in community, and envision the ways we can enact care as an antidote to violence. So long as we must constantly fight for our own humanity and dignity to be respected, our liberation is bound with one another. We are all only ever one arrest away from this fate, one lost job or house, one bad relationship, one struggle with mental health. **We are all inextricably linked** in our vulnerability to this system.

Valentina reminds us that our task is also embedded in love; “On a basic level, we are given everything and all we’re asked is to love. That’s it. Just love. And that is the hardest thing in the world for us to do, right? Because no one is better

than the next person, although the system would like you to believe that” (Valentina interview, 2019). We ground our stories in the perspective that no one deserves to have suffered what we have, that if our society were motivated by healing and support, we might understand what is needed for real justice, real safety. The women who shared with us their dreams for the future model the resilience we could all learn from – the ones who risk it all to take care of one another. They hold onto beauty in the most trying of circumstances. Together we take up the charge to share ourselves, as Rae said at the start of this project; **“We’re gonna write our story. We’re gonna let these stories be heard. We’re going to humanize every – every – single number that’s in here”** (Rae interview, 2019). We have shared our *testimonio*, our refusal to be dehumanized, our acutely shared struggle. And we’re going to keep honoring each other long after this project. We hope you will, too.

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