

MEMORIAL SERVICE FOR MARCIA POWELL

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Good afternoon.

This gathering is a group of people in collective pain about what happened to a person named Marcia Powell. We're here to provide some dignity to that victim - yes, Marcia Powell was a victim - of the various social service and criminal justice systems in our state.

I think that some of us also gather in fear -- fear for the lives of loved ones presently incarcerated who also are quite vulnerable.

During Marcia Powell's unfortunate life, she fell through the cracks of the institutions of our society which were created in order to help or to care for abandoned children, the mentally ill, the poor, and criminal offenders.

She had recurring problems with drug abuse, and some would judge her harshly for that. But I suspect that the drugs were a form of self-medication, and were used by her in an attempt to cope with her mental illness.

She lived on the streets much of her life, and ran afoul of the law for behavioral, mental health and legal reasons.

It does not appear, from any record I've reviewed, that her mental health problems were ever effectively or appropriately treated or resolved.

And, of course, she was unable to manage her own social and legal problems, because without appropriate mental health treatment she could not meet the behavioral expectations of our society.

She was caught in a vicious circle of recurring problems.

Marcia's behavioral difficulties were triggered by untreated mental illness and led to repeated involvement with our criminal justice system, as documented in a long string of mostly self-destructive, non-dangerous crimes.

She was on a long trip to nowhere, unequipped to control the outcome, and lost at every turn.

With so much of her time spent in and out of jails and prison and on the streets, she faced additional difficulties that she was simply incapable of handling on her own.

A woman living on the streets is exposed to some of the most callous and unscrupulous people; people who are skilled at manipulation and exploitation, and Marcia was particularly vulnerable

as a consequence of her mental health
and drug abuse problems.

She had no safety net.

Her incarcerations in the Department of Corrections

– and lest we forget,

there is that word CORRECTIONS in the

Department of Corrections –

should have been times which allowed for stabilization.

She should have obtained treatment;

not stupefying pills; treatment. Considering the number of trips

through the criminal justice system, it is clear

that her mental health issues were not

adequately or appropriately addressed

during any of her periods of incarceration.

We are all aware of the proverbial

elephant in the middle of the room –

namely, the ghastly, horrific, and cruel

circumstances under which Marcia died.
There is an internal investigation underway.
I have publicly stated Middle Ground Prison Reform's disagreement with the way it is being conducted, and have requested that the U. S. Dept. Of Justice become involved.
But meanwhile there are some known and incontrovertible facts of which we already are aware which present a classic point of departure for raising extraordinarily important questions involving culpability, decency, full disclosure, and even common sense.
These questions must not be swept under the rug or ignored.
If we ignore them, or if we allow others to ignore them, then we are culpable in the next tragedy.
And make no mistake about it, without appropriate answers,

there will be another tragedy.

Some of us heard the news yesterday that the use of the outdoor cages will be temporarily suspended until they are retrofitted with shade coverings and water.

But that only shows that the Department doesn't "get it." It is the same as if someone were to say, "It's OK to leave my child locked in his car seat in the back of the car - unattended - it'll only be for a few minutes - as long as I leave the windows down."

No! No. No . . .

Locking a human being in an outdoor cage in an isolated spot on a prison yard, and relying upon supervision at all times to be there and be responsive, is what created the circumstances which led (or caused) Marcia's death.

Marcia Powell's death calls for the Department of Corrections to re-invent itself.

Her death is more than just a tragedy;
it is a call to action.

We can't stand by and let anyone
put the equivalent of a bumper sticker
on her coffin that says "OOPS"
and then return to business-as-usual.

We hear about Megan's Law and other laws
which commemorate victims.

How about a Marcia's Law?

A law that prohibits the use in prisons or jails
of locked outdoor, isolated cages to confine human beings?

Even Joe Arpaio's Tent City has fans, unlimited water, shelter from
the sun, and a prisoner would not be locked inside
a tent if the guards forgot to tend to him or if he had
a medical emergency. Other prisoners or guards would be around.

Most of you are unaware that the
Department of Corrections is not only
performing its own internal investigation of this tragedy,

but that they have RESTRICTED written policies which govern the conduct and content of that investigation and the reporting of it. These policies are withheld from public scrutiny.

So this is not just “the fox guarding the hen house;” it is a little like the fox deciding whether the farmer can come onto his property to even look at the hen house.

How about a “Marcia’s Law” law prohibiting the Department of Corrections - or any public agency - from being allowed to investigate itself in criminal matters where they are suspected of being the perpetrator of the crime, and deciding whether or not prosecution is warranted?

How about a “Marcia’s Law” requiring the Department of Corrections to un-restrict policies which can’t be justified for restriction in the

first place on subjects that demand open public scrutiny.

And while it is heart-warming and life-affirming to see the faces of all those gathered here today, most of whom, like myself, don't know Marcia personally, we must acknowledge that this problem isn't just about what happened at the Department Of Corrections.

I haven't heard a single legislator or politician clamoring for an independent investigation or for publication of the restricted investigative and reporting policies.

Despite the commitment and passion of the people here today, there hasn't been a groundswell of public outcry about Marcia's death, as there was for

the K-9 police dog deaths
which occurred in the recent past,
including on the state prison grounds.

What does that say about our society-at-large?

We must acknowledge that the world in which
we live today, and which we as activists
struggle to change and to improve,
is not a world that exemplifies the ideals
with which we grew up.

Pervasive in our society
are hardened attitudes, an unwillingness to forgive,
a lack of compassion for others less fortunate,
and an indifference to their pain and problems.

Many – not all, but many – of the institutions
of our society are organized
around principles of internal convenience
and insulation from external scrutiny, rather than

around effective service to clients.

Staff performance is often completely uncoupled from the principles which supposedly inspired institutional policies, and the written policies themselves are often just propaganda.

What all this means is that things won't change on their own.

We have to become used to and comfortable with demanding accountability from public figures and public institutions.

Let's give Marcia her due.

She had an unenviable existence on this earth and a tragic demise.

If, as some would claim, Marcia's life was devoid of meaning or value,

then it's up to us to insure that her death
acquires a dignity, a legacy
that was beyond her ability to reach
without the assistance we failed to provide.

We are here today because
Marcia's death touched us all in ways
that her life did not,
and I call for all of us to make the memory
of Marcia Powell the catalyst for ensuring
that the Arizona Department of Corrections
understands that the public's trust and confidence
in its work rests with each and every employee,
from top to bottom, requiring performance of duty
in a responsible, professional and caring manner,
no matter how the employee personally
views the individual prisoner.
They must open themselves to authentic public scrutiny.

We should expect - demand -- no less.

The mention of Marcia Powell's name must become a touchstone for authentic change in the prison system.

Godspeed, Marcia Powell. Your work here is done.
Your legacy has just begun.

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