

Middle Ground Prison Reform

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September 24, 2009

Hon. Jan Brewer
Governor
State of Arizona
Executive Tower
1700 West Washington
Phoenix, Arizona 85007

Dear Governor Brewer:

In re: Marcia Powell's Death at the Perryville Prison
May 19, 2009

On September 23, 2009, the Department of Corrections released an approximately 3,000 page investigative report regarding the death of Marcia Powell. When reading about the "emerging details" (as they are referred to by the media), I am sickened. Any person possessing even an iota of compassion for one's fellow human beings cannot help but be mortified to think about the final hours and minutes of Marcia Powell's life. The actions of the prison staff go beyond cruel; they are barbaric. One expects to read about such things happening in Third-World countries. The title of the investigative report should be "Backyard Bullies on the Arizona Payroll."

The number of people involved in this incident, the types of unprofessional conduct (euphemistically referred to at times by the DOC as "mis-communications"), and the seriousness of the actions taken or not taken, lead inescapably to one conclusion: namely, that Marcia Powell's death at Perryville was the tip of an iceberg that indicates much larger and more endemic problems at the Perryville Complex (and, perhaps, throughout the entire DOC).

The 3,000-page investigation is an indictment of Perryville corrections personnel on virtually every level, and clearly bespeaks not only a lack of staff training, but an extraordinarily serious problem with ineffective supervision. Apparently, there was no belief whatsoever by numerous personnel that anyone had any need to follow policy and procedure, or to actually care for the inmates in their custody.

The report is nothing short of appalling.

One cannot lay the blame for this level of unprofessionalism at the feet of an interim director, because it rests squarely on the shoulders of former Director Dora Schriro. Middle Ground has long asserted that Dora Schriro's trite talk about professionalism and a "flagship agency" was a cover for an inability and an unwillingness to tackle and correct widespread and serious problems that began to be revealed with the nation's

longest-lasting prison hostage situation/standoff. While she was busy touting her so-called “parallel universe” and inventing statistical reports manipulating her successes, she was ignoring staff inattention to policy and procedure, corrections officers and supervisors sleeping on the job, and complaints of inappropriate and unprofessional conduct at every level of the Department.

With regard to the content of this 3,000 page report, it is clear that both line staff and supervisors fully believe that they can act with impunity, not only to ignore, but actually to flout, official policy and important (even mandatory) security and custody procedures. This belief can occur in a Department only where professionalism is perceived as nothing more than an after-the-fact comment, rather than an authentic commitment. One can hardly believe that security and supervisory personnel who had been promoted over long periods of time did not know or suspect that such grossly inappropriate, counterproductive, and unprofessional behavior was being regularly practiced and ignored. The investigation report mentions one example of a grossly inappropriate 20-hour stint in the outdoor enclosure for an inmate which occurred just three days prior to Marcia Powell’s death. In December 2007, Middle Ground reported abuses in the use of the outdoor cages at the Lewis Complex to Dora Schriro and her legal counsel, Susan Rogers, with no response.

The thrust of this letter is not to complain about the past – the 3,000 page investigative report begins to document the problems that unquestionably exist. Instead, this letter insists upon a greater level of involvement from your office in insuring that the interim director, Charles Ryan, take off the kid gloves and begin to demand from all staff of the Department a new (not “renewed”) and genuine realignment of priorities and a genuine commitment to change within the agency, from its lowest levels to its highest. The attitudes which clearly underlie the conduct revealed in the investigative report of Marcia Powell’s death should not be ignored and cannot be allowed to continue on any level, in any job at the Department of Corrections.

After reviewing the report, it would not be “crying wolf” to remind the Arizona Department of Corrections of the enormous and horrendous consequences that occurred in the New Mexico prison riots of 1980, which arose from endemic and grossly unprofessional staff conduct. Taunting inmates who are begging for water or restroom breaks in the presence of other inmates is the sort of conduct that engenders smoldering frustration, resentment, anger, and retaliation. Widespread knowledge within the entire prison population that staff knowingly allowed an inmate to defecate on herself and then deliberately left her in that condition invites eventual serious repercussions, unless inmates perceive that a genuine shock has occurred within the organization and perceive a real commitment to correcting such unprofessional and inhumane behavior. Prisons are peaceful by consent and repression engenders violence.

Installing misting systems, water coolers, and shade in the outdoor enclosures is not enough. The Department must attend to the abuses of authority that occur in denying medical care; tormenting mentally ill prisoners, denying protective custody cases, leaving unresolved prison gang issues (including extortion of family members), tolerating sexual harassment/abuse of prisoners, not attending to the inordinate number of inmate suicides that have occurred; etc., as well.

Middle Ground believes, based on our experience over almost 30 years, that an open, public, and forceful statement from you that mandates Charles Ryan to take any and all steps necessary to “get a grip” on this Department and to require a drastic change in attitude and behavior by staff training and internal communications will not only be helpful to the interim director, but actually necessary – in order to loosen long-standing perceptions of impunity that otherwise will tend to override temporary corrective measures and reassert themselves.

Additionally, we hope you realize that while media attention rises and falls fairly quickly, any major change in institutional and organizational priorities requires vigilance and sustained work. This is a problem that will not be resolved overnight.

We urge you to get deeply involved in oversight of this matter. Mr. Ryan’s job performance and confirmation by the Senate should be measured on his ability and success at addressing and resolving these serious, deplorable issues within the Arizona Department of Corrections.

Sincerely,

Donna Leone (Hamm)
Executive Director

cc: Sen. Robert Burns
Hon. Kirk Adams
Auditor General’s Office
Charles Ryan
Other distribution