

Exhibit 7

(Redacted)



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May 1, 2018

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Re: *Parsons v. Ryan*
ASPC-Yuma tour

Dear Mr. Struck:

During Plaintiffs' Counsel's April 26-27, 2018 monitoring tour at ASPC-Yuma, we spoke with dozens of men who reported that in the aftermath of the March 1, 2018 riot on Cheyenne Unit, they and others were denied access to medical care and medications, and subjected to conditions and treatment that the Ninth Circuit has previously found to be unconstitutional. *See Johnson v. Lewis*, 217 F.3d 726 (9th Cir. 2000). Much of what the class members reported is also documented on ADC's website in its March 5, 2018 press release. *See* <https://corrections.az.gov/article/yuma-disturbance-investigation-update>, attached hereto.

The people we interviewed almost uniformly reported that the disturbance occurred after custody officers engaged in an excessive use of force upon a handcuffed person, including kicking, beating, and smashing his head against a wall. Some prisoners came to this man's defense, and attacked the officers who were beating him. Numerous prisoners reported that after the Tactical Support Unit (TSU) took control of the yard on the evening of March 1, every person housed on Cheyenne spent the next five days forced to sleep on the recreation yard with their hands cuffed in front of them in plastic cable zip-ties. The men we spoke with emphasized that it was not just the people who participated in the attack on officers, but that *all* prisoners housed in Cheyenne, including those who were in their housing units at the time of the disturbance, were made to stay seated on the yard for five continuous days.¹ Several prisoners also reported that when the TSU was quelling the disturbance, they threw tear gas bombs into their dormitory runs,

¹ Defendants' press release admits as much. It stated that 44 people were moved to Eyman on March 4, 2018, an unspecified number were housed in detention units, an unspecified number who "are considered elderly and in poorer health" were moved to "alternate housing," but that "[a]ll other inmates involved in the disturbance have remained on the recreation yard since Thursday." Class members disputed this assertion that only the people involved in the disturbance were made to live on the yard.

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Mr. Dan Struck
RE: Parsons v. Ryan
ASPC-Yuma
May 1, 2018
Page 2

and that the runs were then locked. These prisoners reported that they had gone back to their cells to seek refuge and to demonstrate that they were not participating. With the runs locked, these prisoners had no escape from the choking cloud of tear gas set off by the officers.

Prisoners reported that the people with diabetes and major disabilities were transferred out of Cheyenne the morning of March 2, but otherwise all prisoners were on the yard until at least March 5 or 6. The men could not stand up from the yard without the threat of being shot by TSU officers holding shotguns. Class members reported that TSU officers were verbally abusive, would point Tasers and shotguns at prisoners' heads, threatened to attack them with dogs, and encouraged the dogs to urinate or defecate on men sitting on the yard.

According to prisoners, the day after the riot, prison officials brought in three portable toilets for each side of the yard, a total of six toilets for more than 1,100 men. The prisoners were only allowed to use the toilets at times determined by the officers, and as a result some men urinated and defecated on themselves because they couldn't go to the bathroom except when allowed by staff. They reported that they were not provided blankets until after at least two nights of sleeping outside. According to records from the National Weather Service, the temperatures were as low as 46 degrees Fahrenheit the first and second nights that the men were sleeping outside. These records also show that the daytime temperature was in the 80s and that it was clear and sunny during the day. *See* attached. Prisoners reported that it was not until the second or third day outside that they were provided sunblock to protect them from the sun.

Prisoners reported that the staff provided them with two sack meals a day, and after the first night, staff would intermittently pass through the yard with Igloo coolers of water and allow prisoners to have a cup of water.

People we interviewed reported that individuals with chronic medical conditions or mental illness did not get their medications and were not allowed to have their KOP medications. Some people with disabilities did not have their assistive devices with them. Multiple prisoners reported watching men suffer seizures, and that ICS's were called for people fainting in the sun. Some examples of these problems include, but are not limited to, the following:

██████████ has major depressive disorder and is prescribed Prozac as a Keep on Person ("KOP") medication. He reported that he was not allowed to have his medication with him on the yard, and was not given any Prozac until the last day the men were on the yard. His medical record confirms his statement.

██████████, reported that he has schizophrenia and epilepsy, and that temperature extremes can induce more seizures. He reported that he had a

seizure on March 2, 2018 because he had not received his medication for two days, and that he had two more seizures while on the yard. His medical record confirms that he is prescribed phenytoin (Dilantin) once a day and levetiracetam (Keppra) twice a day for epilepsy, and that he did not receive the medications on March 1 or 2. He also is prescribed olanzapine (Zyprexa) for schizo-affective disorder, and did not receive the medication those days. His medical record shows that on March 2, nursing staff responded to an ICS for seizures, that he suffered another seizure during transport to the temporary medical unit in the library, and had another seizure upon arrival to medical. He was sent out to the Yuma hospital, and the hospital records confirm that he had a grand mal seizure and had subtherapeutic levels of Dilantin in his system. (The hospital discharge papers requested that he be seen by a neurologist within a week, but as of today – nearly two months later -- no specialty consult request has been submitted.) Mr. [REDACTED] medical record also documents that ICS responses occurred on March 4 and 5, 2018, as he was having multiple full body seizures both on the yard and in the medical unit.

[REDACTED] reported that on the fourth day on the yard, he had a reaction to the heat and sun. His medical record confirms this allegation; it shows that on March 5, 2018 he was taken to the clinic and given a breathing treatment due to shortness of breath and difficulty breathing.

[REDACTED] reports that he fell while exiting the portable toilet. The portable toilets were located on a transport trailer, and he had climbed up to use the restroom while still handcuffed. He tried to break his fall off the trailer but couldn't because he was still cuffed. He believes he passed out due to dehydration. Mr. [REDACTED] record confirms that an ICS was called as a result of his fall on March 2, 2018.

[REDACTED] Prior to the riot, on February 14, 2018, he had eye surgery to re-attach a detached retina. During the riot, he did his best to keep the tear gas out of his eyes, but he believes that his retina detached again as a direct result of the riot. Authorities did transport him to outside provider for a second surgery on April 20, seven weeks after the riot, but he thinks his eyesight is not as good as it was following the first surgery and he reports a higher pain level in the affected area than prior to the riot.

[REDACTED] Mr. [REDACTED] has hearing loss, and uses hearing aids. He was not allowed to have them during the time on the yard, and they

were not in his property – which had been destroyed –when he returned to his living unit.

Prisoners reported that some people with mental illness began to decompensate without their medication and some of them appeared to be suffering from auditory or visual hallucinations. Others reported that the harsh and terrifying conditions on the yard aggravated their mental illness. For example,

████████████████████ is diagnosed with schizophrenia and had recently been taken off of his psychotropic medications prior to the riot. He reported that the stress of being forced to endure the conditions the men were placed in triggered his symptoms, and that he repeatedly heard voices and felt paranoid.

████████████████████ is diagnosed with bipolar disorder. He reported that on the third day, he stood up, delirious, and began walking, but fell head first into the ground. He reports he has been told that he fainted due to dehydration. Mr. ██████████ also reports experiencing extreme mental decompensation following the riot. He describes have nightmares, anxiety, and depression. He reports TSU officers pointing guns at him, after he and others were already restrained in handcuffs, and overhearing radio communications instructing officers to shoot if necessary. Mr. ██████████ medical record confirms that he takes the generic form of Cymbalta, a psychotropic medication, and that he was placed on suicide watch on March 5, 2018.

Multiple prisoners reported that the zip-ties were tied so tightly around their wrists that it took weeks for sensation to return to their hands. For example,

████████████████████ was transported off-site to the Yuma hospital the night of March 4, 2018, because he was unable to move his right hand, and his wrist and forearm were swollen with visible abrasions from the plastic zip-tie. According to the hospital records, Mr. ██████████ was diagnosed with cellulitis and returned to the prison early in the morning of March 5 with a prescription for Bactrim and ibuprofen, but there is no documentation that he received these medications.² He reported that when he returned to the yard with bandages around his wrist, custody staff promptly put a zip-tie back on him at the same

² Mr. ██████████ also has prescriptions for phenytoin (Dilantin) for epilepsy, and hydrochlorothiazide (Microzide) for hypertension. Both medications are KOP, but he stated that he did not have the medications with him on the yard. His medical record shows that he was given one dose of each medication on March 3, 5, and 6, 2018.

Mr. Dan Struck
RE: Parsons v. Ryan
ASPC-Yuma
May 1, 2018
Page 5

spot on his wrist. When we interviewed him on April 26, 2018, there were still visible scabs and abrasions on his wrist.

████████████████████, still had visible marks on his wrists from the zip-ties, and reported he lost all sensation in his hands for several weeks after they were removed. He reported still having a tingling feeling in his hands.

Other prisoners reported delays in being seen by medical staff while on the yard. For example, ████████████████████, wears contact lenses because he has a negative 9 prescription and suffers from retinal floaters. He reported that for four days he was not allowed to remove his contact lenses, and when he finally was allowed to go to the medical clinic to remove them, health care staff would not remove the plastic handcuffs.

Prisoners reported that for the five days they were on the yard, the officers went building by building ostensibly searching for weapons, but instead systematically destroyed every person's property – again, regardless of who they were or whether they participated in the disturbance. The officers destroyed televisions and hot pots, removed/tossed fans, poured out hygiene items, threw out all canteen food, and threw out legal/medical/personal papers. As detailed above, one class member alleged that his hearing aids were thrown out. The officers tore up and destroyed personal mementos from loved ones like letters or photos. When the men were finally allowed to go back to the housing units, they had to strip naked for group searches, before returning to their bed areas and seeing everything they owned completely destroyed.

In sum, it is clear that numerous and serious violations of the *Parsons v. Ryan* stipulation occurred in the days following the March 1 disturbance. Prisoners were denied the health care services and medication to which they are entitled, and instead were subjected to conditions that appear designed to punish, humiliate, and terrify them regardless of any involvement in the disturbance. The Ninth Circuit previously found that such treatment for days after a disturbance has been quelled is unconstitutional. After 1995 riots at ASPC-Safford, the men at that institution were all forced to sleep on the recreational yard for days, in conditions strikingly similar to those described by prisoners at Yuma.

While prison officials enjoy some deference during an ongoing disturbance, that deference is not indefinite in duration. “When the inmates were in the yard, however, they were handcuffed, prone, and under armed guard. In these circumstances, the inmates presented no further danger to prison staff, the public, or each other, and prison officials were no longer required to make split-second, life-and-death decisions. Once the inmates were thus secured in the yard, the state-of-mind requirement that sufficed to show an Eighth Amendment violation was deliberate indifference.” *Johnson v. Lewis*, 217 F.3d 726, 734 (9th Cir. 2000).

Mr. Dan Struck
RE: Parsons v. Ryan
ASPC-Yuma
May 1, 2018
Page 6

According to the ADC press release, 28 prisoners were treated at local hospitals for their injuries on March 1, 2018. We request that Defendants provide us with the names of all persons who were transported off-site for their injuries so that we can have our experts review their medical records. We are disturbed to note that the ER/Outside Hospitalization report provided us prior to the Yuma tour did not appear to list all 28 class members as being transported from Cheyenne on that day. *See* ADCM1510519-26. We also request that Defendants provide us with the names of all persons for whom an ICS was called during the time that class members were housed on the recreational yard. We also request the name and ADC number of the class member who was the subject of the use of force on March 1 that precipitated the riot. Please provide us with all names no later than May 8, 2018.

We also are concerned that the health care staff were unable to provide critical health care services such as ensuring patients had their medications, and that apparently class members were not even provided access to their KOP medications. Disturbances are, unfortunately, a foreseeable occurrence in the prison setting, and ADC and Corizon must have an emergency plan in place to ensure that health care services are provided without interruption, even during a serious emergency. Therefore we request that you detail to us and to the Court all steps taken by Corizon and ADC to attempt to provide health care to the Cheyenne class members from March 1-6, 2018, as well as any emergency plans for future disturbances at Yuma and the other nine Arizona state prison complexes. Please provide this information no later than June 1, 2018.

Thank you for your attention to this matter.

Sincerely yours,



Corene Kendrick
Staff Attorney