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VIA EMAIL ONLY

June 7, 2016

Ms. Lucy Rand, Assistant Attorney General
Office of the Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007-2926
Lucy.Rand@azag.gov

RE: *Parsons v. Ryan*, CV-12-0601-DMD
Notice of Noncompliance
Maximum Custody Outcome Measures

Dear Ms. Rand,

I write to notify Defendants of their noncompliance with Measures 3 and 8 of the Maximum Custody Outcome Measures at ASPC-Perryville, as demonstrated by the treatment of Mariam Abdullah, 302325, a 17-year-old girl housed in isolation in the Minors Unit.

Defendants have stated they are not monitoring the Minors units at Perryville and Tucson, because DI 326 does not apply. Instead, a separate policy is said to exist for youth that requires more out of cell time than that afforded to other adult maximum custody prisoners under DI 326. (See Letter of Lucy Rand, March 22, 2016). Plaintiffs have repeatedly requested this policy but have never received it. Our findings regarding the conditions of Ms. Abdullah, a 17-year-old held in maximum custody at the Minors Unit in Perryville, belie the existence and/or operation of such a policy and require the enforcement of the Stipulation.

I interviewed Ms. Abdullah on May 24, 2016. She has been locked in the Minors Unit's maximum custody cells since March 10, 2016. She reports that she was put in isolation after she threatened to beat up another girl. She states that she was told she would be reclassified as Max Custody Level 5 until her release date, which is not until June 2017. She turns 18 on June 9, 2016 at which point she will be moved to Lumley Max. She appealed this punishment, but the decision was affirmed.

[REDACTED]

Ms. Abdullah also reports that she is not getting the full out-of-cell time required by the *Parsons* stipulation's Max Custody Performance Measures and DI 326. She is allowed out to shower three times a week, and is supposed to be allowed outside to exercise three times a week, but reported to us that she had not been outside for a week because there are supposed to be two custody officers escorting her, and only one had been working at the unit. She is not receiving the required programming, unstructured out-of-cell time and mental health services required for adult SMI prisoners housed in max custody under Performance Measure #8. She reports submitting multiple HNRs asking to speak to mental health staff, and making verbal requests to staff, but the only contacts she is receiving are quick cell-front checks. During our interview, she reported that she experiences auditory and visual hallucinations.

Ms. Abdullah is not receiving equivalent property and incentives to the other children in the Minors Unit. She states that her mother has repeatedly tried to visit her since March, but has been turned away. She did not have a phone call with her mother since being put in the Max Unit until the Sunday before our interview. Ms. Abdullah reported that she is not allowed to have books, a TV, or radio in her cell. She has colored pencils and paper that her mother bought for her through the commissary. The education services she is receiving are wholly inadequate – the teacher sits at her cell door for about 10 minutes and talks to her, but does not leave worksheets or workbooks.

Ms. Abdullah also reports that the conditions in her cell are inadequate. The sink is not working correctly, and water barely comes out of the faucet. She has to ask the officers to fill her cup with water for her, and reports that one officer on the second shift often refuses to fill the cup for her.

Finally, Ms. Abdullah reports that she was subject to a use of force in September 2015, where she was restrained by custody officers and had her clothes cut off of her after she threatened to injure herself. She states that she was put in the cell for two weeks on suicide watch, where she only had a suicide smock to wear and a thin blanket. She reports being put on suicide watch in isolation several other times prior to the March 2016 lock-up, and spending over a week at a time in conditions of great deprivation.

The conditions Ms. Abdullah is subject to in the Minors Unit are far more isolating than the conditions in the adult maximum custody units. We ask that Ms. Abdullah be immediately removed from the severe isolation she is being subjected to at the Minors Unit; that she be provided at a bare minimum the out-of-cell time mandated for SMI adults under the Stipulation; that clinical staff immediately evaluate her for placement in an inpatient unit where her serious mental health conditions can be properly treated; and that she be stabilized at such a unit and returned to a general population unit rather than maximum custody using a custody override if necessary.

We further reiterate our position that the plain language of the Maximum Custody Performance Measures set forth above clearly apply to the Minors units and must be both enforced and monitored by Defendants. We reiterate our request for the policies applicable to Minors Unit which we have not received to date.

We look forward to your written response within 30 days.

Sincerely yours,

/s/ Corene Kendrick

Corene Kendrick, Staff Attorney

cc: Counsel of Record
Ms. Abdullah