



## Prisoner Kept in Tucson Cage Overnight, Warden Sanctioned

By Stephen Lemons

published: Tue., Sep. 7 2010 @ 2:01PM

The only daily disposable contact lens with blink-activated moisture.



**GET A FREE\* TRIAL AND SAVE UP TO \$100**

\*Eye exam may be required. Professional fees may apply. While supplies last, at participating offices.

2010-06-0647



[Warden Sandra Walker](#), suspended for 40 hours without pay in the Solis incident

A warden, a deputy warden, and a regional director have all been suspended several days without pay as a result of an inmate being kept in an outdoor cage overnight at the Arizona State Prison Complex in Tucson.

According to a Department of Corrections investigation of the incident, inmate Elisio Solis was confined to an outdoor cage for 19 hours from around 9:45 a.m. on April 29 of this year to around 5 a.m. the following morning.

This is in violation of policies regarding such enclosures, policies that were revised in the wake of [Marcia Powell's 2009 heat-related death at Perryville Prison in Goodyear](#).

ADC policy now prohibits a prisoner from being confined to an outdoor cage for more than one hour without the approval of a deputy warden. (Inmates can be in the cages for no longer than two hours max.) The policy also forbids the enclosures from being used for disciplinary purposes.

But these restrictions were transgressed in the case of Solis, who was placed in the outside enclosure after a verbal altercation with a corrections officer, who called Solis a "motherfucker."

According to the ADC investigation, when Warden Sandra Walker learned of the violation, she advised underlings that the matter was to be handled "in house."

ADC Director Charles Ryan did not learn of Solis' treatment till August 5, after receiving an e-mail complaining of the matter from prison reform advocate Donna Hamm of the Phoenix-based organization [Middle Ground Prison Reform](#). Ryan then ordered an investigation into the incident.

The inquiry shows a breakdown in discipline, with corrections officers finding excuses for not following ADC guidelines, showing ignorance of ADC policies and generally shirking responsibility for their actions.

Their supervisors don't fare much better in the report.

"Supervisors failed to follow DO 704 [the policy regarding outside enclosures]," the report states. "And [they] `passed the buck' to each other during their interviews. Staff interviewed had memory issues related to their shift on April 29, 2010."

You can read the ADC report, minus its attachments, [here](#).

During the investigation, ADC Regional Director Shelly Sonberg, who has to sign off on supervisor complaints, admitted that she doesn't read them all because there are too many. Instead, she selects one at random to read "cover to cover," and relies on her staff to make sure the complaints are complete.

Sonberg was recently suspended 40 hours without pay. Warden Walker received the same sanction. Deputy Warden Keith Hartsuck was suspended for 80 hours without pay.

ADC spokesman Barrett Marson denied that Walker had wanted to cover-up the Solis matter, only that she had kept the investigation at the complex level. Still, Marson called the breach of policy a "significant incident," which is why punishment was meted out.

"The director believes this should have elevated up the chain of command," Marson told me.

Solis, who is doing 19 years on a murder conviction in Maricopa County, complained that he was sick after his outdoor confinement and claimed he had to beg for a blanket. Temperatures had dipped to 48 degrees Fahrenheit by the time he was transferred from the cage in the early morning hours of April 30, according to the report.

Unlike Powell, Solis did not have to contend with the heat, as the high for April 29 in Tucson was 75 degrees, and there was shade in the cage. He had access to food and water, and was allowed bathroom breaks.

Solis' life was not endangered. But the fact that prison officials didn't want to alert higher-ups should tip you off to the importance of the Solis incident. Moreover, the ADC report notes that four other

inmates were confined to the cage that day for longer than the time period allowed.

"Given the fact that this was originally scheduled to be handled 'in house,' [Director Ryan] was never supposed to find out about it," observed Hamm, whose e-mail sparked the investigation. "You have to wonder how many incidents in other locations, or even in that location, have been deemed in-house and that Ryan never knew about."

Hamm believes the practice of holding prisoners in outside cages for long periods of time as punishment is widespread. She fears this could lead to another Marcia Powell-like incident, and she faulted the ADC's lack of discipline.

"Look, this is a paramilitary organization," she said of the ADC. "And that means that people pretty much don't get to question policy. You follow it."

"But people are not following policy all the way up and down the chain of command. They're winking at the policy. And that's just unacceptable."

She said she's suggested that Ryan name a unit after Marcia Powell as a way of reminding his staff of the importance of following ADC policies on outside enclosures. She said she also may ask the U.S. Justice Department to investigate ADC's practices regarding the cages.

That Ryan acted so swiftly in this matter is laudatory. However, the fact that he had to find out about it from an outside source is unsettling, as are the accounts of staff shiftlessness and complacency in the ADC's own report.

## Showing 7 comments



**Ross** 6 days ago

ASPC Tucson is a big consumer of those drugs that are crossing the Mexican border. The drugs aren't getting into the prison without the knowledge of the staff, who are doing it for either love or money, and there's not much love with those people. Until we have random drug testing of all inmates, and investigation of sources, we might as well call these places what they are -- training grounds for recidivists.



**concerned citizen** 6 days ago

We thank Donna Hamm for her tenacity and vigilance in exposing the negligence and incompetence and deliberate indifference towards

human beings. The DOJ needs to deal with the cages -- this is America not Abu Ghraib!! Thank you Mr. Lemons for peeling this rotten onion in Arizona. There are enough stories here to devote an entire paper to the mass industrial prison complex Arizona has become.



**Nixwarden** 6 days ago

the warden look like one mean MF, those glaring eyes, Another warden who thinks they can ignore policies, why didnt they put her in the cage for 40 hours .?

and what happened to the C O that called the inmate m f? is this allowed, ? the C O thinks they are judges and handing out crime. she actually violated 2 policies , putting him there for punishment as well. wonder if the officers lied about giving him water. ? like in Marcias case? I dont believe she lost any pay either as they are salary---check this one out .

Ross, if anyone bringing in drugs its the c o. 's dogs in the parking lot help catch the staff from bringing them in . Drug test the staff



**Johnny White-man** 6 days ago

That dude was lucky enough to survive the animal cage ordeal. Since it was April 29th, it wasn't even that hot, depending on the weather during that day. But if he was to put in that animal cage during July or Aug. Chances of him surviving a 20 hour animal confinement in the cage is pretty slim to none.



**concerned citizen** 4 days ago

In a civil society there is no place for cages in the desert for human beings or animals. People think this is about someone else, well think again. What is done to "others" puts ALL at risk for the same. Wake up people!



**concerned citizen** 2 days ago

Sheriff, ACLU both claim wins in St. Tammany jail dispute | [NOLA.com](http://www.nola.com/crime/index.ssf/2010/08/sheriff_aclu_claim_wins_in_st.html)  
[http://www.nola.com/crime/index.ssf/2010/08/sheriff\\_aclu\\_claim\\_wins\\_in\\_st.html](http://www.nola.com/crime/index.ssf/2010/08/sheriff_aclu_claim_wins_in_st.html)



**Truth** 19 hours ago

Tell Hamm to get the azleg to put more staff back in our prisons so they can provide the right security that needs to be done. Officer are doing 4 and 5 jobs. You want to blame, blame the cuts in staff and pay.. Public safety comes with a price, that az refuses to pay..