



Sex Workers Outreach Project

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December 17th is International Day to End Violence Against Sex Workers. This event was created by Sex Workers Outreach Project (SWOP-USA), a national social justice network dedicated to the fundamental human rights of sex workers, focusing on ending violence and stigma through education and advocacy.

In 2009, sex workers from around the globe met gruesome deaths and endured unspeakable violence. Some died at the hands of a solitary perpetrator; others were victims of serial "prostitute killers." While some of these horrific stories received international media attention (Boston, Grand Rapids, Albuquerque, Tijuana, Hong Kong, Moscow, Great Britain, Cape Town, New Zealand), other cases received little more than a perfunctory investigation. Many cases remain unsolved, sometimes forever.

Today we are here for Marcia Powell, who was incarcerated for solicitation of oral sex and sentenced to over two years in prison - despite being found so mentally impaired at the time of sentencing that she had just been appointed a legal guardian. On May 19, 2009, after informing prison staff that she was suicidal, Marcia was placed in an uncovered outdoor cage at Arizona's Perryville prison for women, where she would presumably be "observed" until she was transferred to a more appropriate location. Reportedly, that's what they did with women who caused problems there: they put them in a cage and "waited them out". The same cages were used for "recreation" and as waiting rooms for those needing medical attention: the prisons filled up so cages were erected in the yards to add more space. Putting someone in there was routine; women were left in there all the time beyond policy, so no one thought much about Marcia complaining - except the other prisoners. Four hours later - after her pleas for water were ignored or mocked by guard after guard - she was found, collapsed, in 107-degree heat, and died on May 20th in the custody of the Arizona Department of Corrections.

Marcia was the victim of dual forms of injustice, as a sex worker and as a prisoner. Sex Workers Outreach Project and other organizations are fundamentally opposed to criminalization of sex work. The prohibition of this work results in selective prosecution that puts some of the most vulnerable in our society at the mercy of a system that robs them of their basic respect and dignity. For decades efforts to curb sex work have not only failed to reduce incidences of prostitution, but they have corrupted our justice system resulting in selective enforcement, racial profiling and inhumane treatment of those who don't have the financial resources to fight back. Violence against sex workers is epidemic and rarely taken seriously. The criminalization of prostitution legitimizes this abuse so that sex workers are the targets of violent crime with little recourse. Marcia was referred to - after her death - as a "biological serial killer" in an employee blog (The Lumley Vampire). That suggests that her degraded social status as a "criminalized" sex worker had a considerable effect on the way she was treated at the hands of ADC staff the day she was left to die. It also raises the question of her abuse being the result of bias against her for a disability she may have also had.

Women prisoners are also the victims of an unjust system, facing extreme medical neglect, sexual harassment and abuse. The women's prison population in the United States has grown 800% in the past three decades, twice the rate of the male prison population. 2/3 of women in prison were incarcerated for non-violent offenses. (Institute on Women and Criminal Justice). As the death of Marcia Powell in the care of the Arizona Department of Corrections (ADC) shows, prison sentences can include the most extreme form of neglect and abuse.

We are here for Marcia and other prisoners, and sex workers, as we call for respect for human rights. As a result of an internal investigation, 16 people were disciplined. An investigation is currently underway to determine whether or not criminal charges should be filed in her death.

"It's not enough to change a few people and policies. There is a culture embedded in the ADC that is pervasive throughout the prison system that reflects a disregard for the fundamental human rights of prisoners. There are exceptions to that, and the prisoners know who they are," says Peggy Plews of Arizona Prison Watch.

No critical analysis of the institutional culture that contributed to this abuse has been made public, but that analysis is essential to ending state violence.

In response to the death of Marcia Powell while in the custody of the Arizona Department of Corrections, we expect the following:

1. The Arizona Department of Corrections has an influential role in shaping policy. We ask that leadership be provided by the ADC in exploring models of restorative justice and addressing strategies such as criminal code and sentencing reform, early release programs for low-risk prisoners, community support through harm reduction, and re-entry programs to stop the revolving door syndrome that traps so many people.
2. An analysis of violence against sex workers (both inside and outside the Arizona prison system) should be conducted and a plan should be developed for reducing violence against sex workers in Arizona.
 - An analysis of violence against sex workers (including male and transgendered workers) should include victimization while in state custody, police brutality, and domestic and occupational violence.
 - Efforts to reform the prisons must go deeper than investigations into individual responsibility for Marcia's Powell's death. An analysis of how the culture of the correctional system employees/officers contributes to violence against prisoners is crucial.
3. A community-organized process for oversight in the prisons should be recognized which includes the voices of prisoners and their families.
4. Grievance policies should be reviewed and strengthened.
5. Cages should never be used to hold prisoners or to address overcrowding, which is the current practice. Overcrowding must be addressed through reducing incarceration and recidivism rates.
6. Allocate sufficient resources to address the special needs of prisoners with psychiatric and physical disabilities, including education about complications of medications.
7. May 20th should be observed each year in memory of Marcia Powell and other prisoners who died in state custody. On that day ADC should prepare a report addressed to prisoners, families and community-based oversight groups on human rights violations that have occurred over the past year and actions ADC has taken in response. The report should also include the Department's plan for the upcoming year to improve respect for human rights.

Sex workers around the United States are shocked to see this criminalization result in a death sentence for a prostitution crime. This is one of many cases in which we observe conditions that are abusive, degrading and dangerous ranging from rape and other violence, to extreme medical neglect. These conditions violate the human rights of all persons deprived of their liberty to be

treated with humanity and with respect for the inherent dignity of the human person, and to be free from cruel, inhuman or degrading treatment or punishment.

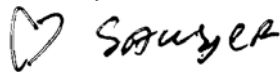
The UN Declaration of Human Rights (UDHR) should be applied to all individuals.

In the wealthiest country in the world, where taxpayers spend billions on the prison system, it is horrific that this justice system has led to a death sentence for someone arrested for prostitution. It's been over 60 years since the UN Declaration of Human Rights (UDHR) has been adopted. The Arizona Department of Corrections has been woefully negligent, in following the human rights protocol, which Eleanor Roosevelt, along with so many others, have developed. In less than a decade we've almost doubled the amount spent on our prisons in Arizona, and the Arizona Department of Corrections fails even the most basic requirement, to keep prisoners safe.

We ask that the Arizona Department of Corrections look at the 30 articles in the United Nations Declaration of Human Rights and review the treatment of individuals in the prison system in the light of these principles. Every ADC employee/correctional officer should have training in human and prisoners' rights principles and practices. ADC should provide leadership that demonstrates a respect for human rights.

We look forward to the day when prisons are no longer used to address our most pressing social problems. As social justice activists we challenge the discrimination that leads to criminalization and incarcerations. We promote human rights for all, as well as specific law reform. Recently enacted by the Arizona legislature, felony charges should be rescinded for prostitution charges. Although the ADC does not have jurisdiction over many aspects of these injustices, ADC does have great deal of influence in many of these matters and ADC is also directly responsible for how prisoners are treated within this system. Sex Worker Outreach Project, in tandem with Arizona Prison Watch and Friends of Marcia Powell expects that the ADC establish real justice in the death of Marcia Powell.

Sincerely,

A handwritten signature in black ink that reads "Tara Sawyer". To the left of the name is a simple line drawing of a heart.

Tara Sawyer
Board Chair
Sex Workers Outreach Project

Peggy Plews
Arizona Prison Watch

Peggy Plews
Friends of Marcia Powell

Penelope Saunders
Best Practices Policy Project

Carol Leigh
BAYSWAN