

ARIZONA

# Inside an outbreak: How Tucson prison's Whetstone unit became a COVID-19 hotspot

[Audrey Jensen](#) and [Helen Wieffering](#) Arizona Republic

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Stacy Hakes was months away from leaving prison on his scheduled release date after more than six years when the COVID-19 pandemic hit in March.

As COVID-19 made its way to Arizona and eventually into the state's prisons, some inmates became terrified, Hakes said.

"For me, it was the scariest thing I've ever been through because I'd only seen what was on TV. I knew that I had preexisting conditions ... so I figured that this is it, if I get this I'm gonna die," said Hakes.

After inmates started testing positive in his unit in Tucson, Hakes said staff only "locked down" the Whetstone unit because inmates requested it, meaning inmates had to stay in their living areas, but could still move around. Hakes soon noticed the other inmates were no longer active.

"You start seeing half the pod or half your run laying in their bed with their faces covered, you know something's going on," Hakes told The Arizona Republic.

According to the Department of Corrections, Rehabilitation and Reentry spokesperson Bill Lamoreaux, inmates at Whetstone weren't on lockdown, but said they were placed in isolation as part of the department's strategy to mitigate COVID-19.

**SPIKING:** 45 new deaths, 1,900+ new COVID-19 cases; AZ's numbers keep rising

Soon after, testing would confirm that more than 500 inmates at the Arizona State Prison Complex Tucson Whetstone Unit tested positive for COVID-19 in early August — the largest outbreak of the virus of any Arizona prison. The outbreak came about one month after cases skyrocketed in the state and Gov. Doug Ducey announced new shut-down orders in June.

In multiple interviews with Hakes and other inmates' families, The Republic pieced together a comprehensive timeline of how Whetstone became ground zero for COVID-19, which has taken the life of at least 10 inmates and infected nearly 1,000 inmates in Tucson prisons as of Oct. 30, according to the department's COVID-19 dashboard.

## **What life was like in Whetstone before the pandemic**

Hakes, 36, described himself as "just another guy" from Lake Havasu who made mistakes and "ended up doing a certain amount of time in prison." Hakes was sentenced to prison for drug violations, according to the department's inmate data.

But before prison, Hakes was diagnosed with pulmonary hypertension, a type of high blood pressure that affects arteries in the lungs and heart. Hakes also contracted Hepatitis C during his first year there.

Hakes eventually transferred to Tucson for his health after he said his health care at the prison declined. After a few days at the Whetstone unit, Hakes said a man there was found dead in the shower.

This was Hakes' first impression of Whetstone, which is one of nine units that house a total of about 4,800 people at the Tucson state prison. Hakes described the Whetstone unit as about a half-mile loop with administration and visitation on one "bend" and housing on a "straight."

The only part of the yard that's indoors is where inmates live or work, he said.

For every 30 or 40 inmates, there is one officer, Hakes said. Lamoreaux didn't respond to questions from The Republic questioning the ratio of inmates to officers.

In housing, Hakes lived in close quarters in a "pod" with 130 inmates. He had a small 4-by-6-foot cube area to himself, "but I live directly next to everybody else. I had no space

whatsoever," Hakes said.

About 80 people in the pod lived in cubes, while the rest lived in bunk beds, he said.

The cubes only provide enough space for "one person to lay down" and place all of their belongings underneath them. Directly on each side of the cube is another person, he said.

"It's an existence I've tried so hard to get rid of out of my mind, but it's nothing. It's an existence, it's all it is," he said.

The Whetstone unit is similar to military barracks or dormitory-style environments and the unit has no cells, according to Lamoreaux. It's a minimum custody unit and the lowest custody unit in the prison system.

## **Hakes says inmates in March received one bar of pig fat soap**

As the number of confirmed COVID-19 cases throughout the state grew, the department announced plans to suspend visitations, waive a \$4 co-pay for health care services related to flu or cold-like symptoms, stop routine internal movement of inmates, deep clean all facilities every week and ensure a "robust availability of soap, paper towels, hygiene items, and cleaning agents" for both inmates and staff.

The announcement came after being pressured by attorneys and a federal judge to respond to claims that the department didn't have a plan in place.

But according to Hakes, inmates at Whetstone only received one, 15-cent bar of "indigent" soap made out of pig fat once a month.

"Would I say it would be accurate to kill any kind of bacteria whatsoever? No, not at all," he said.

Prison officials said inmates are issued personal soap that is replaced any time the inmates request it, but did not specify if this was soap made of pig fat or whether additional soap was distributed to address COVID concerns.

"Cleaning supplies remain ample and available as part of the continuous and rigorous cleaning schedule throughout every complex," Lamoreaux said in an email. "Continuous

cleaning occurs daily for frequently touched areas including, doorknobs, flat surfaces, chairs, exercise equipment, faucets, railings, floors and more."

Inmates did not receive other hygiene items such as hand sanitizer or masks, Hakes said.

Once the department suspended visitations, Hakes said "that was when it kind of started getting real." Then, inmates were no longer allowed to leave the yard to work, Hakes said.

According to Lamoreaux, all employees entering Arizona prison complexes go through required temperature and symptom checks at every facility. In March, the department said it would require all employees entering Arizona prison complexes to "undergo an infectious Disease Symptoms Check" including a series of health questions.

But the prison did not temperature check civilian workers who would leave and return to the prison for work, Hakes said. The department did not specify when this started.

As an additional measure, all prison complex staff have been required to wear cloth face coverings since June 15 and, on or before July 2, all inmates were provided with face coverings, said Lamoreaux.

"We asked the officers if they can place their masks on, and they would laugh at us and tell (us) we're overreacting," Hakes said.

The number of self-reported staff positive COVID-19 cases was 767 as of Oct. 30, according to the department's COVID-19 dashboard. About 720 staff have recovered.

If inmates had a temperature of 100 degrees or higher, instead of getting tested, they were placed in isolation with the "worst care you can imagine possible" for two weeks, Hakes said.

Lamoreaux said the department continues to separate and test inmates who exhibit flu-like symptoms from the general population. He also said these inmates then receive appropriate medical care.

Eventually, news of about 100 positive cases at units like Yuma reached Whetstone, and inmates at Yuma "were not happy about the way the Yuma yard was handling the situation," Hakes said.

'SENTENCED TO COVID-19': AZ inmates claim not enough done to protect them

Worried for their health, inmates staged a walkout.

Inmates walked out to the prison yard demanding to be served meals in their dorm housing, said department spokesperson Lamoreaux, adding that the protest ended peacefully, and the next day officials modified operations to deliver meals.

But the walkout also occurred because officials were trying to move inmates around before everyone in the unit had even been tested for COVID-19, Hakes said.

"They needed people to still work for the yard, they needed people to cook the food, so they were gonna move all the kitchen workers into a certain pod," Hakes said. "That's when everyone kind of said, 'Look, you haven't tested anybody, we don't know who's infected, who's not infected. We already live with these people, we're going to stay living with these people.'"

## **The department tests every person in Whetstone Unit**

Around early August, the department tested every person in the Whetstone unit as part of its plan to test every prisoner in the state.

"Like cattle, they do five at a time to keep from the chaos and they would, whatever, test us and then move us on," he said.

According to Lamoreaux, the department is one of only a handful of state correctional agencies in the U.S. to mass test its entire inmate population. In collaboration with the Arizona Department of Health Services, the department conducted on-site PCR testing of inmates at all statewide facilities, Lamoreaux said.

"Similar to how the state of Arizona (and other states) experienced a rise in cases as testing became more widely available; we have also seen a rise in some of our units as we tested our inmate population, which substantially exceeds community standards," Lamoreaux said.

According to the department's dashboard, 2,614 inmates have tested positive for COVID-19 out of a total of 40,460 inmates tested at all prisons, which is a 6.75% positivity rate. A total of 17 inmates have died, according to the dashboard.

As of Oct. 30, 2,562 inmates have recovered.

Finally, the inmates learned test results about a week later, Hakes said. Medical staff stood in the middle of each pod and announced the results aloud.

"Everybody knew who they were living next to and what their circumstances were when it came to the virus," Hakes said.

The department did not answer The Republic's question asking how COVID-19 tests were distributed or if they were publicly announced in each pod.

Results of the tests at Whetstone were publicly announced late on Aug. 4 after a two-day effort to test the 1,066 inmates at the unit, according to a department spokesperson Bill Lamoreaux.

Hakes, to his relief, tested negative.

After the significant increase in positive COVID-19 cases, Hakes and families of inmates said the department waited several days before separating inmates who tested positive for COVID-19 from inmates who tested negative.

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Out of the 130 people in Hakes' pod, 115 people tested positive for COVID-19, Hakes said. But for three or four days, the positive inmates stayed mixed in with other inmates because the department "had no plan of action, they had no idea what to do," Hakes said.

The department did not answer The Republic's question if inmates stayed together for several days after they were tested.

Inmates continued to share use of sinks, showers and microwaves while left living together, Hakes said. In Hakes' pod, the 130 inmates share two microwaves, 16 sinks and eight showers, he said.

Then, prison staff pulled up with flatbed trucks onto the yard and told positive inmates, some who were initially told they had tested negative, that they would be moving to the first two buildings in the yard, Hakes said. The 115 inmates who tested positive only had 15 to 20 minutes to pack their belongings and move.

One man who tested positive for COVID-19 after waiting for test results for a week, also recalled officials trying to move all the negative cases and positive cases into separate

buildings, shuffling inmates around at about 11 p.m. at night. His mother, Patty, recounted the events.

The Republic is not providing Patty or her son's last name because she fears he will face retribution in prison.

“Two days after that, they finally got back some more results and found out that they had put a bunch of negative people in with the positives. And then they found out there were false positives, and then they were trying to move people again,” Patty said in August. “It's just been a mess.”

According to Hakes, the department re-tested everyone who tested negative the first time about a week and a half after nearly half the inmates in the unit tested positive.

The department did not answer The Republic's question if inmates at Whetstone who tested negative tested positive the second time.

After more than a week, Hakes got his results: He had COVID-19.

## **Sick with COVID-19 at Whetstone**

For five days, Hakes said he experienced intense headaches, body aches and shivering at night while he had COVID-19.

"I woke up in the middle of it like at two o'clock in the morning. Just, you know, shivering. I was freezing cold like just uncontrollable convulsions," Hakes said. "I never felt anything like that before."

Hakes said he is thankful his sickness "disappeared as fast as it came," but felt bad for inmates who died after contracting the virus, such as one man who Hakes knew that had two years left in his 25-year sentence but "suddenly" had a heart attack after he tested positive for COVID-19. Hakes said he and others don't believe it.

Hakes also said he felt lucky he tested negative the first round of testing because "it was bad. It was a lot of people to cram. They basically filled them up like sardines, like you could not imagine," he said. By the time Hakes tested positive, there was no room for him in the space with everyone else who tested positive.

Hakes said that it was also rare for anyone with COVID-19 to receive any treatment or go to the hospital unless they were "unresponsive."

If necessary, inmates are "transported to the hospital when they require that level of care," Lamoreaux said.

Nurses wearing hazmat suits eventually started taking inmates' vitals, but they didn't start doing this "until way late, like they were not trying to help," Hakes said.

"But they have our lives in their hands ... and we don't have a say in the kind of help we get. These are the people who are supposed to be our health care, and they absolutely did not want to help us," Hakes said.

After two weeks of testing inmates, Hakes said the prison didn't test inmates again.

The department conducts "broad testing" of inmates upon intake and a week prior to scheduled release, Lamoreaux said, adding that the department continues to isolate and test inmates with flu-like symptoms and retest as needed.

All incoming admissions are tested at the intake facilities such as ASPC-Phoenix, where new inmate commitments from the county jails are received and are "cohorted and monitored" for 14 days prior to being moved to their assigned location, Lamoreaux said.

## **Mother of another inmate feels helpless to protect son**

Shirley Smith said she felt helpless to protect her son, Jay Smith, who is also an inmate at the Whetstone unit but is set to be released at the end of October.

"I know he has done things. He's made bad choices. But with this pandemic ... having him in there has just made the anxiety level just almost too much," she said.

She said she thought prison officials did not adequately isolate sick inmates.

"I think that's just inhumane if they hadn't done that, you know, keeping them all locked up in one place where they can all get it," she said after she learned about the outbreak in August.

The only action she felt she could take is calling Gov. Doug Ducey's office to say, "What are you doing to protect these people? What are you doing?"

Sherril Lawson, Jay's girlfriend, wondered how long Jay's mother could take the worry. Shirley is 77 and moved in with Lawson after her health worsened.

And then it happened.

Smith tested negative when everyone was first tested, but after testing a second time, Smith, who has diabetes and is at higher risk for COVID-19, tested positive.

When Jay calls home, Lawson said, "he tries to be upbeat, but you can hear it. You know what I'm saying? The other day when he did talk to (Shirley), I mean, he was coughing all the time. He made excuses."

Though Jay seems to be doing better now, Lawson said she keeps track of the COVID-19 dashboard every day and worries about inmates who are transferring between units.

## **Hakes gets out of prison: 'It was the happiest day of my life'**

When Hakes' aunt Patricia Rose and mother Debra Hunsaker learned Hakes was sick with COVID-19 only weeks before he was set to be released from prison, they feared he would die. They also contacted the prison, the governor's office and anyone else they could think of to ask for his early release.

But his release date came: September 14. Hakes walked out of Whetstone a free man.

Prior to the coronavirus pandemic, Hakes said he hadn't seen his daughter or his mom in over a year. On the day he was released, they came to pick him up from the unit.

"It was the happiest day of my life," Hakes said. "It was everything to me. It was one of the most prominent days of my life ... It was everything to me."

As of Oct. 30, all Whetstone unit COVID-19 cases had recovered from COVID-19, Lamoreaux said.

In total, at least 10 inmates are confirmed to have died of COVID-19 in the Tucson prison, and another death is under investigation, according to the department, though not all are confirmed to have been in the Whetstone Unit.

As of Oct. 31, nearly 1,000 inmates in Tucson have tested positive for COVID-19 out of the 4,731 tested, or a 21% positivity rate, according to the department's COVID-19 dashboard.

Hakes said he blames the outbreak at Whetstone on the lack of proactive efforts to prevent the spread of the virus in the unit.

"Given the lack of testing, the lack of effort trying to clean things ... they did everything toward the end, but they were just way too late," Hakes said. "They waited until there was already sickness on the yard and people were already having severe symptoms."

Overall, Patty said she doesn't believe the state has done a good job protecting the inmate population.

"I don't necessarily think that he could have come out of it unscathed. I mean, everybody's been affected by it. But I think that they could have done more to the point where they wouldn't have had more than 50% in one unit test positive. "

At an April 7 press conference, Gov. Doug Ducey said the state would not be releasing any prisoners and that they would ramp up testing for inmates inside the prisons and "make sure they have proper care and protections."

Ducey also said if any correction officers test positive for COVID-19, that they would be put on leave.

Four months later, on June 29, Ducey said in a press conference that state-provided masks would be delivered to all prisoners.

In other states like California, the state department of corrections announced on June 1 that people in prisons for "non-violent" offenses with less than 180 days left in their sentence would be eligible for supervised release on July 1, according to Prison Policy's website.

In New Mexico, the corrections department said on June 24 that 71 people were released early from state prisons due to COVID-19. In May, the state released an executive order from Gov. Michelle Lujan Crisham to "commute" prison sentences of people within a month of their release date and who meet specific offense criteria.

**Advocates ask: What is being done to stop this from happening again?**

A day after the breakout of 517 cases in August, advocates condemned Arizona's response to protecting the health of incarcerated people and called for an immediate stop to prison admissions.

Kim Crecca is a member of the Valley Interfaith Project and Arizona Interfaith Network and is the coordinator of the Episcopal Diocese of Arizona's prison ministry program. She said she commends the department for testing all inmates in the state in a short period of time, but has had some concerns in their approach to mitigating the spread of COVID-19.

Crecca said the department does not plan to test wastewater for traces of the virus, an approach that can identify cases early and prevent outbreaks.

"There's no plan in place for continued testing of the inmate population. And as we all know, this is a fluid virus. So, somebody who tested negative, you know, a week ago, could be positive today based on something somebody brought in from the outside. So we're disappointed in that," Crecca said.

Some good news, Crecca said, is that anti-retaliation hotlines were implemented in the prisons.

"Several weeks" ago, anti-retaliation hotlines were activated and have been made available through the inmate phone system at all complex locations, Lamoreaux said.

"The anti-retaliation hotline is a big deal," Crecca said. "We see that as a big plus, because that gives inmates the opportunity now to have more of a voice without fear of losing privileges, losing your job ... so this is really good."

Hakes said he still has friends who are at the Whetstone prison and continues to worry about their health, which is why he said he wanted to speak out about Whetstone in the first place.

"Health care that's provided inside of prison right now, on Whetstone itself in Tucson, is horrible. And I have friends who probably aren't going to get out and make it because they have five years left. And the health care that they're going to be provided in five years is not sufficient enough to survive," he said.

Inadequate health care is a concern Hakes shared with inmates who wrote letters to The Republic from March through September. The letters included concerns such as staff not

treating chronic and life-threatening medical conditions during the pandemic.

Hakes' aunt, Patricia Rose, said she also worries about the inmates in prisons.

"COVID is not leaving us soon, at least not at the moment, you know, this is gonna be an ongoing theme for many people, and it affects families," Rose said. "Whatever goes on with the prisoner, truly affects families, the people inside the people outside, in so many ways."

*Reach the reporter at [Audrey.Jensen@arizonarepublic.com](mailto:Audrey.Jensen@arizonarepublic.com) or on Twitter at [@Audreyj101](https://twitter.com/Audreyj101).*