

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2013/03/09/a-preventable-death-in-an-arizona-prison/>

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by [Solitary Watch Guest Author](#) | March 9, 2013

Carl ToersBijnsworked in corrections for over 25 years, holdingthe positions of a correctional officer,chief of security at a mental health treatment center, program director, associate warden,and deputy warden of administration and operations in both the New Mexico and Arizona Departments of Corrections. He specializes in consulting and developing strategic plans for sound correctional practices, mental health treatment, security threat groups, training and staff development. He has published three books in the [Wasted Honor Trilogy](#), as well as the book [Gorilla Justice: Caged War Veterans, the Mentally Ill and Solitary Confinement](#), and has written blog posts on[Corrections.com](#) and as a guest writer for Yahoo. In the Anthony Lester case, he has been interviewed several times by local media on the subject of correctional practices and issues surrounding Lesters death



The nightmare started in 2009, when a young Native American man named Anthony Lester was convicted of his first felony offenseone count of aggravated assault for astabbingthat took placeduring afoiled suicide attemptand sentenced to twelve years in an Arizona prison. Tony Lester had been diagnosed with schizophrenia while still in high school; heheard voices and had a history of mutilatingand otherwise harming himself.He clearly needed help, sohis family asked the Arizona Department of Corrections (ADC) to honor the court order that was issued by the judge hearing the case.That judgehadstated thatLester should be housed in a mental health treatment unit rather than in the general population, where there is no immediate provision to treat those with severe mental illnesses,who have difficulty coping and functioning while incarcerated.

TheADC ignored the court order and housed Lesterto TucsonState Prison, infested with Native American gangs demanding Lester pay protection for his presence on the yard.Tony Lester shared his concerns for his own safetywith prison officials, and was segregated in a detention unit until his protective custody process was completed. The family informed officials of Lesters mental illness, and their response was that this particular inmate was manipulative and trying to avoid living on the yard where he faced gang extortion.

Several times the family tried to get their point across that Lester suffered from a debilitating mental illness, and that he was court ordered to remain on all psychotropic medications. The family was shocked when they found out that inmates have the right to refuse their medications and that Lester was still being housed in a tiny detention cell awaiting final disposition on his protective custody. While isolated in detention, Lester decompensated and was put on a suicide watch.

Then, on July 11, 2010, the family received a call at 11:45 pm, telling them thatTony Lesterhad beentaken to the hospital with non-life-threatening injuries. A call notifying them of his death came three hours later,2:45 am. An investigation was conducted and the death was ruled a suicide by razor blade. The razor blade that Lester had used to mortally wound himself had been given to him by mistake by an officer who forgot to remove the razor from the prisonerspersonal hygiene kit, less than two days after he had come off a suicidewatch.

When the first responders arrived, they did not enter the cell immediately, as they alleged they could not see Lesters hands and feared he had a weapon hidden. They waited for more staff to arrive and safely removed the cellmate who reported the fact that Anthony Lester was hurt and bleeding badly. (Since Anthony Lester was asking for protection from Native American gang members, he shouldnever have been double-bunked with another Native American who knew of Lesters suicidal ideations and self-harming behaviors.)

At the time the emergency incident was called in, one sergeant and four correctional officers and one video [recorder](#) operated by a correctional officer entered the cell and offered no first aid or assistance to the inmate. Instead, Tony Lester layin the upper

bunk, bleeding, waiting for help to arrive. Barely breathing on his own and moaning the words help, he was told by the officers that help was on its way. No one tried to stop the bleeding by applying pressure to Lester's wounds, until EMS staff arrived to take him to the hospital. By then it was too late. Anthony Lester bled to death with half a dozen people standing by, doing nothing.

The family and an investigative reporter from KPNX New 12, a local television station, fought for two years to have the video released and made public. The graphic video (which appears below) was finally aired at the end of last month. It drew the attention of an Arizona [lawmaker](#), Minority Leader Chad Campbell, who promised a full legislative oversight hearing on Anthony Lester's death.

Lester is only one of many prisoners who have died in Arizona during the administration ADC Director [Charles L. Ryan](#), a former contractual employee of the Department of Justice who oversaw portions of the Iraqi prison system (including Abu Ghraib before the scandal broke out). Another was [Marcia Powell](#), a woman with mental illness who baked to death in the sun in an outdoor holding cell. Several others have killed themselves, often in isolation units, in a state prison system with a [suicide rate](#) that is well above the national average.

An [interview](#) with Dr. James Gilligan revealed alleged violations of the Eighth Amendment and other human rights violations, as the video reveals this expert's opinion that the Department of Corrections did not fulfill its custodial and constitutional responsibilities toward Tony Lester, and ignored his basic civil rights.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

WELL SAID!!!! But it is this ONE reporter that has exposed the deliberate indifference to human life, It is through our elected officials that through letters in response to such tragedies!!!! And YOU are so right there are HUNDREDS of Tonys that are in our criminal justice system all it takes is enough people that TRULY care to help bring this much needed change!!! It Happened in the MISSISSIPPI Department of Corrections!!!! It is just proof that it can be done!!!! Implement laws into place that will protect our Severally Mentally ill within our criminal justice system.

I have been begging people to join me in writing our elected officials, they don't care. I continue to write but alone Patti you are amazing I am so glad to read the things you've said. And I will keep watching and writing until SOMEONE listens.

Echo indeed!

The only way things sink in is by repeating them over and over again. One newscast or article won't do it.

As I have stated previously it was the SUPPORT by so many Groups of People that from the moment we learned of Tonys death supported our Efforts to expose the truth!!!! If it were not for this ONE investigative reporter, ONE news Channel 12 KPNX that fought courageously for two years, despite the many obstacles that this BILLION dollar agency has placed before them!!!! It is through this local Phoenix News channel that has brought the level of accountability from our AZ state law makers, as a result, Rep Chad Campbell has called for legislative hearings, Unfortunately there was a Woman named Marcia Powell that died a year before Tony, She had NO family to speak for her; she died in AZ Prison, Perryville in an outdoor recreation cage consumed in her own feces and vomit!!!! With heat that day in May of temperatures over 100 degrees, she crawled like an animal begging for help!!!! Until this hits one of your own loved ones you have NO idea how just inhumane these conditions are Perhaps now through Tonys death and countless other there will be a message sent that this is AMERICA we MUST NOT treat our own Americans this way!!!!

I remember

Marcias story and only read it on Sol Wat, So it is the reporter from Channel 12 KPNX whose perserverance will hopefully make a difference, sadly Tony Lester s one of so many stories, and the persistant people that saw it thru til it was public. Id like to see your group give advice how others can help around the country to see to a change. We know the problem how do we start helping?

echoThank-you Ms Wendy Halloran along with KPNX New Channel 12 for exposing the Deliberate Indifference to human life.You not only have shown such courage but have shown such human decency to mankind!!! I am still stunned this story made its way to main stream media. Thank God

@Patrick Pickens & Carl

Both of you have done an excellent job conveying the abuse here!

I would like to point out that In a previous SW article titled Solidarity and Solitary When Unions Clash With Prison Reform the authors wrote:

in the 1960s and 70s, AFSCMEs president Jerry Wurf, .fought to ensure that de-institutionalized mental health patients received adequate community and home care. Because he knew these hospitals were hellholes, he was willing to sacrifice some union jobs for the good of people with mental illnesses.

But Wurf lost that battle and a generation of patients were turned out in the streets without proper support.

These are precisely the people who now fill our nations jails and prisons.

Yes the link between Asylums and Prisons is strong with overlapping abuse claims.

The reason given on the Kirkbride Buildings web site for a sudden asylum building boom in the nineteenth century was the stresses placed on the public during the Long Depression, previously called the Great depression (1873 to 1896).

Placing so many adult citizens into Mental Asylums left many children unsupervised so orphan asylums and reform schools such as Gatesville State School TX 1889, Kentucky House of Reform 1898, Preston School of Industry Ione, CA 1894, The Minnesota State Training School, MN. 1881, The Lyman School for Boys the Commonwealth of Massachusetts 1886, The Ohio State Reformatory (OSR), also known as the Mansfield Reformatory was built in 1896 and was the site of the movie Shawshank Redemption were all of these institutions were created for the mostly poor and neglected children of European immigrants. (These are only the ones I found while searching for info. Im sure there are others in all the 40 odd states in the union at the time. Kirkbride Buildings web site has a long list of their asylums.)

A welcome by-product of both these asylums and reform schools were the jobs they brought to these remote communities. I guess we could call it the stimulus package of the Long Depression.

One can sense the invisible hand of capitalism at work in this early history, and see how the poor bore the greatest burden of criminal disfranchisement.

Out of sight is out of mind. And the communities with such jobs celebrated their good fortune.

Dear Mr. ToersBijns: Thank you, sir, for having the courage to follow your conscience in terms of breaking the standard code of silence that I know all too well applies in terms of corrections staff (what goes on here stays here, etc.), and bringing the stark realities of grossly criminal corruption underlying Arizonas current DOC administration. I am personally involved as a former civil (non-forensic) patient at The Arizona State Hospital (ASH) in trying to address and expose similar dynamics specific to executive staff at ASH, and related misconduct that extends into the administrative offices of ADHS, and via my experience fully believe that it is only throughout the willingness of state employees to do the right thing, as you have, if there is any chance at all of seeing the issues that I know for a fact exist at ASH come to meaningful resolution. ASH, which is the states sole long terms public mental health care facility, shares many of the same contractual terms specific to the public trust that DOC does, with the additional fact that each and every patient at ASH is seriously mentally ill and disabled, and therein due the full protections of the ADA and other like mandates of law and policy. But no matter how much well intentioned effort I put into bringing to light the things I witnessed and experienced first hand during 13 full months of time there at ASH, nobody of any recognized status seems to care. i have sought the support of state representatives, the US DHHS, the DOJ, and so on, but even in cases where I was informed that my allegations were both well founded and verified, no one of these agencies/officials has followed through on responding to these matters. I have definitely sought the support of ASH staff, too, whistleblowers and the like, but the endemic state job security fear at ASH runs so deep that no staff have yet to do the right thing. Again, I applaud your service, and look forward to meeting you at some point in the future.

God Bless Anthony Lester, Tonys Aunt Patti Jones and author and advocate Carl ToersBijns for your amazing passion for justice in making Tonys voice heard by all.

Thank-you Ms Wendy Halloran along with KPNX New Channel 12 for exposing the Deliberate Indifference to human life. You not only have shown such courage but have shown such human decency to mankind!!!

Congratulations Patti. It is your infinite love for your nephew Tony that has paved the way for Tonys life to be a beacon of light for so many. Thank you.

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