



Alaska



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VIA EMAIL

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Re: Unprecedented ICE Detention at Anchorage Correctional Complex

Dear All:

On June 4, 2025, an Immigration and Customs Enforcement (“ICE”) agent asked how many immigrant detainees the Anchorage Correctional Complex (“ACC”) could safely house for longer than 72 hours. Given the inability of ACC to meet federal standards of care, the answer should have been zero. We demand that ICE and ACC promptly remove all immigrant detainees from ACC and stop any additional transfers to ACC unless and until constitutionally adequate conditions of confinement and attorney access can be guaranteed.

Less than two months ago, the ACLU sued the Alaska Department of Corrections (“DOC”) because the medical, mental health, and dental care provided across all institutions is so inadequate and understaffed that it has created a substantial risk of serious harm and endangers the lives of incarcerated people.¹ These problems are particularly pronounced at ACC, where multiple deaths

¹ See Complaint, *Vail v. Dunleavy* (D. Alaska) (filed May 1, 2025), available at <https://www.aclu.org/cases/vail-v-dunleavy>.

have already been reported this year.² In other words, ACC currently does not safely house *those charged with or convicted of crimes*. And immigrant detainees are entitled to even greater protections. People in ICE custody are in civil, not criminal, detention and thus must receive “more considerate treatment and conditions of confinement” than those in criminal custody. *Youngberg v. Romeo*, 457 U.S. 307, 322 (1982); *see also Jones v. Blanas*, 393 F.3d 918 (9th Cir. 2004). Because of DOC’s existing deficiencies in caring for those facing criminal charges or serving sentences at the facility, it was entirely foreseeable that ACC could not provide for the health and safety of civil immigration detainees.

Yet, on June 8, 2025, without any notice to the Alaska Legislature or the public, forty-one detainees were transferred to ACC from the Northwest ICE Processing Center in Tacoma, Washington. They represented approximately twenty-two countries and spoke fourteen different languages. Unfortunately, as has been extensively reported in the media, ACC was unprepared.³ Commissioner Winkelman’s testimony to the House Judiciary Committee on June 20, 2025, confirmed that DOC had never before faced such an influx of detainees and that it “stresses the system.” To the best of our knowledge, thirty-five detainees remain at ACC, and neither DOC nor ICE have foreclosed future transfers into the facility.

This letter describes areas of significant concern about the conditions of confinement and the treatment of these immigrant detainees. It is primarily based on interviews conducted with the detainees, as well as reports from their attorneys and loved ones. The facts below illustrate how conditions for the detainees at ACC are punitive in nature and fall far below what is required by

² See Corinne Smith, Alaska Department of Corrections reports three in-custody deaths in April so far, one a suicide, Alaska Beacon (Apr. 24, 2025), <https://alaskabeacon.com/briefs/alaska-department-of-corrections-reports-three-in-custody-deaths-in-april-so-far-one-a-suicide/>; Zaz Hollander, ‘Other people’s beloveds’: The decisions and delays that preceded a fatal beating at Anchorage’s jail, Anchorage Daily News (Mar. 15, 2025), <https://www.adn.com/alaska-news/crime-courts/2025/03/15/not-safe-the-decisions-and-delays-that-preceded-a-fatal-beating-at-anchorage-jail/>.

³ See, e.g., Jenna Kunze, Alaska corrections department head acknowledges ‘bumps in the road’ with ICE detainees, Anchorage Daily News (June 21, 2025), <https://www.adn.com/alaska-news/2025/06/21/alaska-corrections-department-head-acknowledges-bumps-in-the-road-with-ice-detainees/>; Liz Ruskin, Alaska holds migrants in ‘punitive conditions,’ violating ICE standards, lawyers say, Alaska Public Media (June 23, 2025), <https://alaskapublic.org/news/politics/2025-06-23/alaska-holds-migrants-in-punitive-conditions-violating-ice-standards-lawyers-say>; Corinne Smith, Alaska detained 42 men arrested by ICE and flown in from out of state, amid federal crackdown, Alaska Beacon (June 11, 2025), <https://alaskabeacon.com/2025/06/11/alaska-detained-42-men-arrested-by-ice-and-flown-in-from-out-of-state-amid-federal-crackdown/>.

ICE and DOC policies,⁴ state and federal law, and the Constitutions of the United States and Alaska.

Until and unless conditions significantly improve, we demand that DOC discontinue its agreement to hold ICE detainees for longer than 72 hours. This letter also provides recommendations to both DOC and ICE with respect to detainees still held at ACC.

I. Use of Force, Overuse of Restraints, Lengthy Lockdowns, and Deprivation of Basic Needs

Detainees at ACC have been subjected to overly restrictive conditions and abusive use of force in a segregation-like high security unit. This is entirely inappropriate and unlawful; these are civil detainees, detained only to ensure their presence at immigration hearings and compliance with immigration orders, not to serve a criminal sentence. Commissioner Winkelman testified to the House Judiciary Committee that no new training was provided to custodial staff on their duties and responsibilities when working with ICE detainees, despite specific ICE requirements regarding additional staff training.⁵ This failure is especially problematic because ICE detainees have frequently suffered serious trauma, torture, and violence, which is often the basis of their claim for asylum or other humanitarian relief from deportation.

One particularly egregious and excessive use of force occurred on June 12, 2025. The Commissioner confirmed that staff deployed pepper spray in the unit to stop a “verbal demonstration,” and the detainees were then moved into their cells and locked down. Reports from the detainees shed further light on this incident: They explained that this “verbal demonstration” consisted of detainees requesting access to their belongings, including an individual who was trying to access his property to get the phone number for his consulate. Following the incident, many individuals experienced respiratory distress, including coughing, burning sensations in their mouth, nose, and eyes, and nosebleeds, and did not receive medical attention. They were also unable to change their clothes for an extended period of time. ACC did not follow ICE guidance to consult with medical staff before using pepper spray, to determine if its use could seriously exacerbate a person’s disease or condition.⁶ If they had, they would have been made aware that one of the individuals whom they pepper sprayed was diagnosed with borderline chronic obstructive pulmonary disease and that exposure to such an irritant could be

⁴ The 2019 National Detention Standards for Non-Dedicated Facilities apply to immigrant detainees housed at ACC. See U.S. ICE, 2019 National Detention Standards for Non-Dedicated Facilities (“NDS”) (2019), <https://www.ice.gov/detain/detention-management/2019> (“These detention standards will apply to the . . . approximately 35 United States Marshals Service (USMS) facilities used by ICE and which ICE inspects against the NDS”); Smith, *supra* note 3 (Alaska “has an existing contract with the U.S. Marshals Service, a branch of the U.S. Department of Justice, for all federal detainees, or those facing federal charges, including awaiting hearings for immigration status or deportation.”).

⁵ NDS, *supra* note 4, at Appendix A, p. 203.

⁶ *Id.* at Standard 2.8, p. 49.

deadly. It is also not reasonable or appropriate under policy to use that level of force and dangerous weapons to respond to a “verbal demonstration.”⁷

In addition to this incident, immigrants detained at ACC are subject to lengthy lockdowns, including being locked down for over forty hours straight over the June 14-15 weekend. They are shackled when outside of their housing unit, including moving to and from legal visits and medical appointments. They are technically permitted just one hour per day of recreation time, but detainees report even this limited recreation is cancelled most days because of lockdowns. Some individuals have reported that officers have made additional threats to use pepper spray, tasers, and placement in solitary confinement.

Some immigrants detained at ACC also report that, for a period, many of the two-person cells housed three people, with one person forced to sleep on the floor next to a toilet that does not flush on demand. Multiple detainees also report that they are only given a clean set of clothing every three days — including clean underwear.

These conditions violate both the ICE regulations of how detainees are to be treated, and the detainees’ substantive due process rights to be free from punishment under the Fifth Amendment. *See French v. Owens*, 777 F.2d 1250, 1252-53 (7th Cir. 1985); *Jones v. City & Cty. of San Francisco*, 976 F. Supp. 896, 907 (N.D. Cal. 1997) (finding lock-in time of 16 hours per day to be unconstitutional in overcrowded conditions); *Vazquez v. Carver*, 729 F. Supp. 1063, 1069 (E.D. Penn. 1989) (finding confinement to cells for 20 hours of day to be unconstitutional in overcrowded conditions).

II. Lack of Access to Counsel, Strip Searches After Meeting with Attorneys, and Restrictions on Telephone Use

The Commissioner admitted that, due to DOC’s misunderstanding of ICE requirements and procedures, DOC inappropriately prevented many detainees from meeting with attorneys in the first weeks after the ICE detainees were transferred to ACC. Even now, however, significant problems remain with access to counsel. For example, attorneys who visit detainees in person have been largely unable to communicate with detainees who require translation services, as ACC does not allow telephones to be brought in to attorney contact visits. One attorney was able to use a cell phone to connect with an interpreter, but was forced to conduct the interview behind a glass partition, which made it impossible for the interpreter to hear the detainee. Detainees have difficulty or are unable to call their attorneys from prison phones, as attorneys must pre-register their number with DOC — but neither ICE nor DOC informed the attorneys of these procedures. ACC is also requiring that attorneys first prove that they are a detainee’s attorney of record before

⁷ *See id.* at Standard 2.8, pp. 48-49 (the use of non-lethal weapons may be authorized “if a detainee: 1. Is armed and/or barricaded; or 2. Cannot be approached without danger to self or others; and 3. A delay in controlling the situation would seriously endanger the detainee or others, or would result in a major disturbance or serious property damage.”).

they can conduct contact visits, which causes delays in scheduling visits, makes it difficult for attorneys to meet with prospective clients, and is clearly prohibited by ICE standards.⁸ And, per DOC policy, detainees are subjected to strip searches after contact visits with attorneys. These practices unduly interfere with their right to counsel and violate ICE standards.⁹ See, e.g., *Ams. for Immigrant Just. v. U.S. Dep't of Homeland Sec.*, No. 22-3118, 2023 WL 1438376, (D.D.C. Feb. 1, 2023); *S. Poverty L. Ctr. v. U.S. Dep't of Homeland Sec.*, No. 18-760, 2020 WL 3265533, (D.D.C. June 17, 2020); *Torres v. United States Dep't of Homeland Sec.*, 411 F. Supp. 3d 1036, 1064 (C.D. Cal. 2019); *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 566 (9th Cir. 1990); *Castro-O'Ryan v. U.S. Dep't of Immigr. & Naturalization*, 847 F.2d 1307, 1312 (9th Cir. 1987).

Moreover, immigrants in detention in Washington, California, and Arizona have additional rights to screening, counsel appointment and access and bond hearings under *Franco-Gonzalez v. Holder*, 10-CV-02211-DMG (C.D. Cal). They retain these rights no matter where ICE transfers them, including to Alaska. DOC does not appear compliant with these legal requirements. ICE and DOC must provide for the rights of current or future ACC detainees who are *Franco* class members.

The phone access provided to detainees is wholly inadequate. ICE standards require that facilities shall provide detainees with reasonable telephone access, including by keeping phones in “proper working order” and provide free calls to legal service providers, family and friends when there is a compelling need, and restricts the use of automatic cut-off during legal calls.¹⁰ Detainees have a right to consular access, but many detainees were denied access to property containing the phone number of their consular contact, and ACC has done nothing to facilitate this contact.¹¹ There are also a limited number of telephones available — it is our understanding that only two or three phones are in working order for the dozens of individuals in their housing unit, and detainees are only allowed two free calls a month. Detainees themselves cannot set up and add money to their own accounts, so their loved ones must learn they are at ACC and know they have to set up a secure account to receive any calls. Moreover, over a dozen detainees have reported being unable to speak with their loved ones abroad due to an inability to make international calls. Phone access is also prohibited during lockdowns which, as noted, often persist for days at a time.

III. Lack of Access to Law Library and Language Translation Services

Law library access at ACC is wholly inadequate. The detainees are only allowed to use the law library for one hour each evening. But they cannot even use the full hour, as there is only space available for four individuals to perform legal research and writing at a time, and at least ten individuals are representing themselves and need to use the law library. The “digital typewriters” available for drafting documents do not provide the ability to save documents, so detainees are

⁸ “Legal service providers need not complete a Form G-28 (stating that they are the legal representatives of the detainee) to meet with a detainee.” *Id.* at Standard 5.5 at p. 167.

⁹ *Id.* at pp. 166-171.

¹⁰ *Id.* at p. 158.

¹¹ *Id.* at pp. 158, 163, 171.

expected to complete entire briefs in the few minutes of library time available to them. And, until recently, there was no ability to print documents. These conditions are contrary to many of the provisions of the ICE standards for facilities like ACC, which provide a number of specific standards facilities must meet in providing “legal materials, facilities, equipment, printing and copying privileges, and the opportunity to prepare legal documents.”¹²

There has also been a significant delay in receiving any law library material translated to their language. ICE standards also require that facilities “provide LEP detainees with meaningful access to their programs and activities through language interpretation and translation services.”¹³ Many detainees report not receiving any translation services from staff at ACC — at most, correctional officers sometimes use Google Translate on their phones.

IV. Medical Care, Mental Health Care, and Religious Practice

ICE standards provide that detention facilities are required to provide “[m]edically necessary and appropriate medical, dental and mental health care and pharmaceutical services at no cost to the detainee.”¹⁴ Detainees consistently report, however, that their requests for medical care have gone unanswered or received significantly delayed responses. Because written forms for requesting medical and mental health services are only available in English, many detainees are unable to even request services. One detainee with diagnosed pulmonary disease reported difficulty breathing upon arrival to the facility, but did not receive medical attention. It wasn’t until he requested additional medical assistance following the pepper spray incident, in which he feared he would die, that he was merely provided another inhaler. The same detainee also needs routine visits with a pulmonologist which have not been provided. Another detainee had a worsening rash, and it took five days for him to get the necessary ointment and pills. Yet another detainee has a significant knee injury, but his knee brace was taken away and his requests for treatment have been denied. Detainees must pay a co-payment for medical services, which many of them cannot afford, in violation of the ICE standards.¹⁵ Several detainees did not seek medical attention after the pepper spray incident because they could not afford the co-payment.

We are also very concerned about the inadequate mental health care available to these individuals. One individual had a mental health treatment plan in Tacoma that included individual counseling twice a month. When he submitted a form requesting mental health treatment from ACC, he received a workbook on anxiety. No one ever came to speak to him in person. Many of the detainees appear to be struggling with the punitive setting and isolation from family and support networks.

Several detainees also report that they are unable to meet their religious requirements at ACC. For example, a clean and safe location to pray and the ability to wash before prayer are not being

¹² See *id.* at Standard 6.3, pp. 185-90.

¹³ *Id.* at Standard 4.3, p. 112.

¹⁴ *Id.*

¹⁵ *Id.*

provided. Many have also not been provided with religious effects, or their provision was extremely delayed, even after they followed the process of requesting them through the ACC Chaplain.

V. Continued Detention of People Who Have Already Been Granted Asylum or Other Humanitarian Relief

At least five detainees continued to be held in custody even though they have already prevailed before an immigration judge on a full hearing on the merits. At least one individual was granted asylum, and is being held in custody while the Government appeals. And at least four individuals have been granted withholding of removal under 8 U.S.C. § 1231(b)(3). Continued detention of people who have prevailed in their immigration cases is unreasonable,¹⁶ and ICE should release them immediately.¹⁷

VI. Safe and Humane Transport

The detainees appear to still be processing their trauma from the flight from Washington to Alaska. They consistently reported that they were chained at the wrists, waist, and ankles on what seemed to be an antiquated cargo aircraft. There were no traditional seats on the plane, no emergency exits, and no toilets. Most requests to urinate were denied, but some were allowed to urinate in a plastic bag. One detainee, who is around 70 years old and has lived in the United States since he was five years old, has documented urinary tract issues which cause frequent and painful urination. He reported being in pain for several days after being forced to hold his urine for over seven hours — “it was torture.” Another with chronic inflammatory bowel disease suffered severe constipation and stomach pain after being unable to use the toilet for such an extended period of time.

The engine was extremely loud, and many feared that the plane would fail because of the turbulence and loud noises. Detainees were only provided foam earplugs, and some reported short term hearing impairment. One detained described the flight as “psychological torture” and reports having nightmares about the flight.

The conditions of their transportation to ACC violated ICE’s policy to provide safe and humane transportation and federal disability law requiring reasonable accommodations.¹⁸ Because of this experience, multiple detainees report fear for their safety if they were to be transferred again.

¹⁶ See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

¹⁷ See ICE, Directive 16004.1, Detention Policy Where an Immigration Judge Has Granted Asylum and ICE Has Appealed, Feb. 9, 2004, <https://perma.cc/5HPE-MD2J>.

¹⁸ NDS, *supra* note 4, at Standard 1.2, p. 9 (providing that “[d]etainees in transit from one facility to another institution or jurisdiction will be transported in a safe and humane manner,” and that “[a]ccommodations shall be made” for detainees with disabilities and “other special needs in accordance with security and safety needs and all applicable laws and regulations”); ICE,

VII. Demands

We insist on the following changes to the treatment of these and future detainees by ICE and ACC:

- Properly train ACC staff on the standards of civil ICE detention, including specific training on de-escalation rather than use of force or punishment.
- Provide expanded daily day room, law library and outdoor exercise time. Detainees should not be continuously locked down in their cells between 8am and 10pm.
- Stop the practice of placing individuals in restraints when outside their housing unit.
- Ensure that no one is sleeping on the floor and that individuals in overcrowded cells are presented with the option of moving to an uncrowded cell.
- Improve access to counsel by promptly facilitating attorney contact visits and by permitting immigrants to meet with prospective attorneys.
- Provide a phone in attorney meeting rooms and allow attorneys to bring cell phones into contact visits to allow access to language translation services.
- Provide a phone in prison housing areas used by detainees that is preprogrammed to call various legal support agencies without charge and that allows long distance calls and calls to embassies and consulates.
- Stop the practice of strip-searching immigrants after contact visits with attorneys.
- Provide the ability to save documents, print, and increase access time at the law library.
- Provide language translation services in all aspects of their detention.
- Release individuals who have been granted asylum or other humanitarian relief.
- Provide humane transportation when transferring detainees to and from ACC.

Thank you for your attention to these concerns. We hope to have the opportunity to discuss this matter further with you. Please contact Cindy Woods (CWoods@acluak.org) and Michael W. Bien (MBien@rbgg.com) to arrange further discussion.

Sincerely,

American Civil Liberties Union of Alaska
American Civil Liberties Union National Prison Project
Rosen Bien Galvan & Grunfeld LLP

Performance-Based National Detention Standards 2011 § 7.4,
<https://www.ice.gov/doclib/detention-standards/2011/4-3.pdf> (“Transfers of detainees shall be accomplished safely and securely.”).