



December 22, 2020

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Alaska Division of Public Health  
Department of Health and Social Services

***Via email only to:  
Desiree.chambers@alaska.gov and Cheley.grigsby@alaska.gov***

Dear Ms. Chambers and Ms. Grigsby:

As Alaska continues developing plans for distribution of COVID-19 vaccines, the American Civil Liberties Union of Alaska writes to urge the Alaska Vaccine Allocation Advisory Committee (AVAAC or “the Committee”) to include all people detained in Department of Corrections (DOC) facilities, as well as staff who come into close contact with those incarcerated, in Phase 1b of distribution and on equal terms with other congregate settings.

The AVAAC and Department of Health and Social Services clearly recognize the risk of COVID-19 to those in congregate settings. Phase 1a of vaccine allocation included residents and staff of certain long-term care facilities, and DOC infirmaries in settings similar to assisted living.<sup>i</sup> Additionally, during a Dec. 17, 2020 hearing of House Health and Social Services standing committee, Alaska Chief Medical Officer Dr. Anne Zink indicated that the Committee is currently conducting a “robust conversation” about how to prioritize populations in different types of congregate living settings, including DOC facilities.

**Similar to other congregate settings, people living in prison face a high risk of contracting, becoming seriously ill, and dying from the virus.** Incarcerated people have higher rates of chronic health issues due, in part, to the physical stress and strain imposed by imprisonment. They often lack adequate nutrition, health care,

access to fresh air, and proper hygiene measures. We have received reports that, because of COVID-19 lockdowns and isolation, people who are incarcerated have even more diminished access to basic personal sanitation supplies.

These characteristics are especially troubling in Alaska’s overcrowded prisons, where those incarcerated have reported being detained in gymnasiums with more than 10 other people, and placed in “boats” on the floors of jail cells the size of broom closets with at least two other people. They have very little to no control over their exposure to COVID-19 and, as a result, are in greater danger of contracting and dying from the disease.<sup>ii</sup> Alaska’s prisons have an infection rate that is nearly 500 percent higher than the state’s infection rate as a whole.<sup>iii</sup>

**Alaska’s prison population is also at high risk of harm because many occupy a group that has been disproportionately affected by the pandemic. In particular:**

- Incarcerated people have higher rates of disabilities, which includes chronic health issues. For instance, four of five incarcerated individuals suffer from substance use disorders, according to DOC estimates<sup>iv</sup> and approximately 44 percent have a diagnosed mental health issue.<sup>v</sup>
- Alaska’s prison population is aging. Between 2015 and 2019, the number of incarcerated individuals aged 60 and above increased 26.5 percent.<sup>vi</sup>
- Alaska Native and Black people—who experience higher rates of infection, hospitalization, and death from COVID-19<sup>vii</sup>—are disproportionately represented in the state’s prisons. Although Alaska Native people account for 16 percent of the overall population in the state, they make up 40 percent of the incarcerated population<sup>viii</sup> and are incarcerated at four times the rate of white individuals.<sup>ix</sup> Black people, accounting for 10 percent of the incarcerated population, make up four percent of the general population.<sup>x</sup>

**Moreover, Alaska’s prisons have already been the site of frequent and alarming outbreaks of COVID-19 in recent months, including the largest outbreak anywhere in the state.<sup>xi</sup> At Goose Creek Correctional Center, an outbreak grew from 110 positive cases in early November<sup>xii</sup> to nearly 800—more than half of the total population—in early December.<sup>xiii</sup> Three incarcerated people have already suffered the worst consequence of the virus—death—and all within the last month.<sup>xiv</sup> At least 22 people have been hospitalized, hundreds have tested positive upon entering DOC facilities, and nearly 2,000 people have tested positive as a result**

of spread within facilities.<sup>xv</sup> These figures reflect the unique risk that COVID-19 poses to people who are incarcerated, as well as to DOC staff who move between prison settings and their broader communities, posing enormous risks to those inside and outside prisons. If Alaska is to control the spread of COVID-19 inside its prisons, the time is now.

We expect the AVAAC is aware of the COVID-19 outbreaks in Alaska prisons, the dangers of institutionalization, and the racial and disability disparities in the prison population. But we also want to impress upon the Committee that **prioritizing the incarcerated population for vaccine distribution is essential to restoring access to rehabilitative services.**

DOC facilities have mostly shut down rehabilitative programming, such as fellowship services, anger management classes, educational programming, and substance misuse treatment. In some cases, this lack of access to programming has eliminated or postponed an individual's eligibility for parole or early release. The collateral consequences will be detrimental to the success of individuals returning to our communities and will further exacerbate the mass incarceration crisis facing Alaskans before, during and post-pandemic.

Incarcerated individuals also do not have access to any type of in-person or virtual visitation,<sup>xvi</sup> further cutting them off from their communities, cultures, elders, and families. Access to programming and visitation is essential for helping incarcerated people successfully integrate back into society upon release. But provided that DOC's decision to shut down programming and visitation was intended to protect people inside DOC facilities from COVID-19, then directly protecting those incarcerated by making vaccines available to them is essential for resuming programming and visitation.

**Finally, we urge the AVAAC to conduct its meetings publicly online.** We appreciate the opportunities that Alaska's COVID-19 Vaccine Task Force has created for public comment, and its efforts to communicate to the public decisions about vaccine allocation. But the public has an interest in directly knowing how the Committee evaluates input and makes decisions, not only the outcome of its deliberations.

We recognize that the Committee must make difficult choices about the distribution of scarce resources. Each decision you make in the early stages of vaccine allocation

has the potential to make an outsized impact on the lives of people most at risk of harm from COVID-19. But we urge you to prioritize vaccine access for people who are incarcerated, and correctional staff who come into close contact with those incarcerated, in Phase 1b. We acknowledge that the federal Advisory Committee on Immunization Practices recommended including correctional staff in Phase 1b.<sup>xvii</sup> If the AVAAC adopts this recommendation, we urge the Committee to include incarcerated people as well. Prisons are congregate settings where COVID-19 has already spread rapidly and harmed people. Continued outbreaks pose enormous ongoing risk to the more than 4,000 individuals incarcerated across Alaska and to surrounding communities.

We would welcome the opportunity to discuss this issue further with the Committee. If you have any questions, please do not hesitate to reach out to me at [mgarvey@acluak.org](mailto:mgarvey@acluak.org) or 907-744-6341.

Sincerely,



Michael Garvey  
Advocacy Director

Cc:

Adam Crum, Commissioner, Department of Health and Social Services

Dr. Anne Zink, Chief Medical Officer

Dr. Joe McLaughlin, State Epidemiologist

Nancy Dahlstrom, Commissioner, Department of Corrections

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<sup>i</sup> Alaska Department of Health and Social Services, *Committee Decisions to Date* (Accessed Dec. 21, 2020), <http://dhss.alaska.gov/dph/Epi/id/Pages/COVID-19/VaccineAllocation.aspx#decisions>.

<sup>ii</sup> We note that Alaska Psychiatric Institute and other psychiatric hospitals are congregate settings whose residents are disabled, largely held involuntarily, and face elevated risk of harm from COVID-19. We urge the Committee to prioritize vaccine access for residents and staff of these facilities along with those at prisons, and other congregate, long-term, and institutional settings.

<sup>iii</sup> The Marshall Project, *A State-by-State Look at Coronavirus in Prisons* (Selected Alaska from drop-down menu under “What’s happening in your state” on Dec. 18, 2020), <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons>.

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- iv Alaska Criminal Justice Commission, *2018 Annual Report* (November 1, 2018), <http://www.ajc.state.ak.us/acjc/docs/ar/2018.pdf>.
- v Alaska Department of Health and Social Services, *Alaska Scorecard 2019: Key Issues Impacting Alaska Mental Health Trust Beneficiaries* (February 2020), [http://dhss.alaska.gov/dph/HealthPlanning/Documents/scorecard/2019%20Trust%20Scorecard\\_full.pdf](http://dhss.alaska.gov/dph/HealthPlanning/Documents/scorecard/2019%20Trust%20Scorecard_full.pdf).
- vi ACLU of Alaska analysis of data reported in Alaska Department of Corrections annual Offender Profile reports, 2015-2019.
- vii Annie Berman, *New Alaska data reveals a race factor in likelihood of getting COVID-19, and its severity*, Anchorage Daily News (Updated Aug. 15, 2020), <https://www.adn.com/alaska-news/2020/08/14/new-alaska-data-reveals-race-a-factor-in-likelihood-of-getting-covid-19-and-in-its-severity/>; Chelsea Cirruzzo, *Study: COVID-19 Mortality Twice as High Among Native Americans*, U.S. News & World Report (Dec. 10, 2020), <https://www.usnews.com/news/health-news/articles/2020-12-10/covid-mortality-twice-as-high-among-native-americans-than-whites>.
- viii Alaska Criminal Justice Commission, *2020 Annual report* at 23 (Oct. 30, 2020), <http://www.ajc.state.ak.us/acjc/docs/ar/2020.pdf>.
- ix Alaska DOC, 2017 Offender Profile, <http://www.correct.state.ak.us/admin/docs/2017profile.pdf>; U.S. Census Bureau, “Annual Estimates of the Resident Population by Sex, Age, Race and Hispanic Origin for the United States and States,” 2017 population estimates.
- x 2020 Alaska Criminal Justice Commission report at 23.
- xi Michelle Theriault Boots, *The biggest coronavirus outbreak in Alaska is unfolding in a prison. Will the incarcerated be prioritized for vaccines?*, Anchorage Daily News (Dec. 14, 2020), <https://www.adn.com/alaska-news/2020/12/14/the-biggest-coronavirus-outbreak-in-alaska-is-unfolding-in-a-prison-will-the-incarcerated-be-prioritized-for-vaccines/>.
- xii Lex Treinen, *COVID-19 outbreak at Goose Creek prison grows*, Alaska Public Media (Nov. 9, 2020), <https://www.alaskapublic.org/2020/11/09/covid-19-outbreak-at-goose-creek-prison-grows/>.
- xiii Lex Treinen, *More COVID-19 cases at Goose Creek as outbreaks climb in Alaska prisons*, Alaska Public Media (Dec. 3, 2020), <https://www.alaskapublic.org/2020/12/03/three-quarters-of-goose-creek-inmates-positive-for-covid-19/>.
- xiv Morgan Krakow, *Third Alaska inmate with COVID-19 dies in custody*, Anchorage Daily News (Dec. 8, 2020), <https://www.adn.com/alaska-news/2020/12/08/third-alaska-inmate-with-covid-19-dies-in-custody/>; Michael S. Lockett, *State reports 2<sup>nd</sup> inmate death related to COVID-19*, Juneau Empire (Dec. 1, 2020), <https://www.juneauempire.com/news/2nd-alaska-inmate-dies-from-coronavirus/>; Tim Rockey, *Goose Creek inmate first Alaska prisoner to die from COVID-19*, Mat-Su Valley Frontiersman (Nov. 23, 2020), [https://www.frontiersman.com/news/goose-creek-inmate-first-alaska-prisoner-to-die-from-covid-19/article\\_9730697e-2e21-11eb-ba13-57fea6df7dfb.html](https://www.frontiersman.com/news/goose-creek-inmate-first-alaska-prisoner-to-die-from-covid-19/article_9730697e-2e21-11eb-ba13-57fea6df7dfb.html).
- xv Alaska Department of Corrections, *DOC COVID-19 Tracker* (Last updated Dec. 18, 2020), <https://doc.alaska.gov/covid-19>.
- xvi Michelle Theriault Boots, *Facing an indefinite ban on in-person visits, families of Alaska prisoners question paid phone calls*, Anchorage Daily News (Sept. 20, 2020), <https://www.adn.com/alaska-news/crime-courts/2020/09/20/facing-an-indefinite-ban-on-in-person-visits-families-of-alaska-prisoners-question-paid-phone-calls/>.
- xvii ACIP COVID-19 Vaccines Work Group, *Phased Allocation of COVID-19 Vaccines* at 10 (Slides by Kathleen Dooling, MD, MPH for ACIP meeting on Dec. 20, 2020), <https://www.cdc.gov/vaccines/acip/meetings/downloads/slides-2020-12/slides-2020-12/02-COVID-Dooling.pdf>.