



June 20, 2024

Brandon Jones
Superintendent
Hiland Mountain Correctional Center
9101 Hesterberg Road
Eagle River, AK 99577

Jen Winkelman
Commissioner
Alaska Department of Corrections
550 West 7th Ave., Suite 1800
Anchorage, AK 99501

Dear Commissioner Winkelman,

I am writing today regarding the letter we sent to you and Superintendent Brandon Jones on April 22, 2024, which listed several policies and practices that deny women at Hiland Mountain Correctional Center (HMCC) their constitutional right to communicate with their attorneys. While our letter focused on HMCC, similar issues are occurring in jails and prisons across Alaska.

It is concerning that Department of Corrections has failed to respond in any way to our letter raising these crucial issues by the May 15 deadline; the problems we articulated in that letter have not improved. But it is important that you are fully aware and updated about these continuing issues related to inmates' rights to access counsel. I would hope that we can all agree that upholding the 1st and 6th Amendments of the United States Constitution is critical to ensuring a well-functioning legal and correctional system. The Department of Corrections plays a crucial role in ensuring that the incarcerated persons in Alaska are not deprived of their rights, and the DOC could face significant liability for ongoing constitutional violations of the rights of persons in its custody.

Below you will find a list of the latest access to counsel violations facing incarcerated Alaskans in your care. I share these in hopes that the ACLU of Alaska can actively work with the Department of Corrections to protect and honor incarcerated people's right to access counsel without the need for costly litigation.

Incidents/Dates:

- **May 8, 2024:** The ACLU of Alaska had a scheduled private legal call with an incarcerated person at Spring Creek Correctional Center. About 15 minutes into

their call, the prisoner mentioned that a correctional officer was sitting near him. Our attorney asked if the officer could hear her, and the prisoner said yes. Our attorney then said: "Officer, can you hear my voice right now?" And a second voice said, "Yes ma'am, I can hear you." Our attorney stated: "This is a private legal phone call; you cannot be listening to our conversation right now." Despite the facility's knowing that the call was supposed to be a confidential legal consultation, two different DOC employees listened in.

- **May 9, 2024:** The ACLU of Alaska had a scheduled private legal call with a woman incarcerated at HMCC. During the call our attorney could hear voices in the background and the incarcerated person said she was having a hard time hearing because of the noise happening around her. Our attorney asked where she was sitting, and she said she was taking the phone call from the dayroom in her housing unit. As a result, other inmates and correctional officers were standing and conversing near her and could hear everything she said. The attorney asked if this was the usual protocol for legal phone calls, and she said yes, either sitting in the dayroom or taking the phone call "downtown" near the housing sergeant and security office. She said the other location also has regular foot traffic from staff and inmates that can hear the phone conversation. Because of the inmate's unsecure location, the ACLU attorney was not able to discuss a particular topic because it was a sensitive issue that could expose her to retaliation from other inmates. This woman has also lived in other housing units at HMCC and confirmed that legal phone calls also take place in the dayroom of those units, where other inmates and officers can hear the conversation.
- **May 14, 2024:** The ACLU of Alaska had a series of private attorney legal visits at Wildwood Correctional Center (WCC). Halfway through the day, facility staff harassed our attorney regarding her appearance and threatened to not let her in the next time unless she dressed like a professional. Our attorney was dressed in standard business attire; despite this, she is harassed on this basis by WCC staff every time she visits.
- **May 21, 2024:** The ACLU of Alaska had a scheduled private legal call with a client housed at Goose Creek Correctional Center (GCCC) at 11:30 a.m. The attorney called the direct attorney line and the main line more than 10 times over the course of the scheduled call slot, but all calls went to voicemail. When our attorney finally spoke to our client, they informed us that the phones were down; despite this, correctional officers still made our client sit in an attorney room for an hour and miss mealtime while the attorney fruitlessly called in.

As stated in our earlier letter, the ACLU of Alaska is increasingly concerned that these repeated sorts of incidents reflect a pervasive staff misunderstanding about the contours of the constitutional right to communicate confidentially with attorneys. As the Commissioner of the Department of Corrections, you should be concerned that such significant constitutional violations are taking place under your leadership. I want to open a

constructive dialogue where the ACLU of Alaska can help your department fulfill their constitutional duties. I look forward to hearing from you.

Sincerely,

Ruth Botstein
Legal Director, ACLU of Alaska

Cc: Governor Mike Dunleavy and Lt. Governor Nancy Dahlstrom, via the portal at <https://aws.state.ak.us/CrmForms/Home/Feedback>