

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

June 20, 2025

1:01 p.m.

MEMBERS PRESENT

Representative Andrew Gray, Chair
Representative Ted Eischeid
Representative Genevieve Mina

MEMBERS ABSENT

Representative Chuck Kopp, Vice Chair
Representative Sarah Vance
Representative Mia Costello
Representative Jubilee Underwood

OTHER LEGISLATORS PRESENT

Representative Donna Mears
Representative Andy Josephson
Representative Ky Holland
Senator Elvi Gray-Jackson

COMMITTEE CALENDAR

PRESENTATION(S): STATUS OF IMMIGRATION DETAINEES IN CUSTODY OF DEPARTMENT OF CORRECTIONS THROUGH A CONTRACT WITH IMMIGRATION AND CUSTOMS ENFORCEMENT

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

JENNIFER WINKELMAN, Commissioner
Department of Corrections
Juneau, Alaska

POSITION STATEMENT: Testified during the status of Immigration Detainees in Custody of Department of Corrections through a Contract with Immigration and Customs Enforcement presentation.

CINDY WOODS, Senior Immigration Law and Policy Fellow

Alaska Civil Liberties Union
Anchorage, Alaska

POSITION STATEMENT: Testified during the status of Immigration Detainees in Custody of Department of Corrections through a Contract with Immigration and Customs Enforcement presentation.

NICOLAS OLANO, Immigration Attorney
Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony during the status of Immigration Detainees in Custody of Department of Corrections through a Contract with Immigration and Customs Enforcement presentation.

SEAN QUIRK, Attorney
Kellog Hansen
Washington, D.C.

POSITION STATEMENT: Gave invited testimony during the status of Immigration Detainees in Custody of Department of Corrections through a Contract with Immigration and Customs Enforcement presentation.

REPRESENTATIVE DONNA MEARS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Commented during the status of Immigration Detainees in Custody of Department of Corrections through a Contract with Immigration and Customs Enforcement presentation.

REPRESENTATIVE ANDY JOSEPHSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Asked questions during the status of Immigration Detainees in Custody of Department of Corrections through a Contract with Immigration and Customs Enforcement presentation.

ACTION NARRATIVE

[1:01:29 PM](#)

CHAIR ANDREW GRAY called the House Judiciary Standing Committee meeting to order at 1:01 p.m. Representatives Mina, Eischeid, and Gray were present at the call to order. Also present were Representatives Mears, Josephson, and Holland, and Senator Gray-Jackson.

PRESENTATION(S): Status of Immigration Detainees in Custody of Department of Corrections through a Contract with Immigration and Customs Enforcement

[1:03:00 PM](#)

CHAIR GRAY announced that the first order of business would be the Status of Immigration Detainees in Custody of Department of Corrections through a Contract with Immigration and Customs Enforcement presentation.

REPRESENTATIVE GRAY gave the following opening remarks [original punctuation provided]:

First of all, I want to thank so many members of the public for their interest in this hearing and for reaching out to our offices. We have taken your feedback to heart, and I hope you hear your questions and concerns reflected in this hearing.

Because this is a fact-finding hearing, like all other legislative hearings of this type, there will not be an opportunity for public testimony. We committee members are speaking on the public's behalf.

That said, everyone is welcome to email additional questions, thoughts or concerns to house dot judiciary at ak leg dot gov or they can call my Anchorage office at 907-269-0123

Today's hearing is about Alaska's department of corrections being used in a different way than it has been before. For the first time in history it is housing Immigration and Customs Enforcement detainees who transported here from the lower 48.

ICE detainees are people who are suspected of being in the United States without legal permission.

When I first began researching this hearing, I was uncertain if foreign nationals had any constitutional protections.

What I have since learned is that the emancipation proclamation freed enslaved people in 1865, but those former enslaved were not US citizens. Former enslaved people became citizens in 1868 with the ratification

of The 14th amendment to the constitution. What that amendment did was ensure that "any person" in our country was entitled to due process and equal protection under the law even someone who is not an American citizen. The 14th amendment applies to all persons physically in the United States - the Supreme Court has consistently ruled that the term "any person" used includes all individuals physically present within our country's borders, regardless of their immigration status. So the detainees currently at Anchorage Correctional Complex have the right of due process.

What is due process? Due Process is sometimes equated with "fairness," but more explicitly due process means the government cannot lock someone up without a reason. The government must tell a person the reason they have been locked up. And the government must allow that person to get a lawyer to defend themselves.

Another important concept that I have only recently learned: Overstaying a Visa or being in the United States without a valid visa is not a crime. It is a civil infraction. The purpose of ICE detainment is to make sure someone appears at their immigration hearing to decide whether they can stay in the US or if they should be deported to their home country. It is an ADMINISTRATIVE hold, not a criminal hold.

I will now offer some figures related to the removal of immigrants from our country and I promise there's a point.

President Reagan deported about 170,000 people
Pres. George H. W. Bush: 820,000
Pres. Bill Clinton: had 12.3 million removed from the US - the most of any single president in history
Pres. George. W Bush: 10 million
Pres. Barack Obama: 5 million
Pres. Donald Trump in his first term: 1.4 million
Joe Biden: 4.4 million people removed from our country

I quote those numbers to demonstrate that this issue is not a Red or Blue one. Most removals of immigrants from the United States in our lifetime happened under Democratic Presidents not Republican ones.

Another criticism that we have heard is that the House Judiciary Committee should focus on the problems of Alaskans not immigrants.

But Might I remind us all of what President Ronald Reagan said in July 1981 which applies to all of us who are not Alaska native or native american: "Our nation is a nation of immigrants. More than any other country, our strength comes from our own immigrant heritage and our capacity to welcome those from other lands."

But this hearing is actually about potential problems for Alaskans and let me explain why. Historically, when someone was detained by ICE in Alaska, they were transferred to the Tacoma Northwest ICE Detention Center in Washington State.

Because the Tacoma ICE facility has been at capacity, they have transported detainees from that facility to California, Hawaii, and Alaska. However, California and Hawaii accepted them at their own federal ICE detention facilities - federal facilities that Alaska does not have.

The purpose of today's hearing is to understand how DOC is treating this different population from who they routinely supervise.

Are these detainees being granted what they would receive at a federal ICE detention facility?

If not, why not? And ultimately if these ICE detainees' treatment result in litigation, who would be liable? It would be whoever was the custodian of those litigants. Alaska DOC was initially the custodian of 42 detainees from the Lower 48. We Alaskans could be on the hook for financial damages, if we are sued and lose. So it is our duty as a committee to understand why these people are here, what we are doing with them, and what financial liabilities we Alaskans may be held responsible for.

The most helpful document I have found in preparing for this hearing is the NATIONAL DETENTION STANDARDS FOR NON-DEDICATED FACILITIES. This document Published

by the Immigrations and Customs enforcement was REVISED in 2019 by the Trump administration. I will be referring to that document as President Trump's guidance. DOC is I believe using a different document: the Performance Based National Detention Standards (PBNDS) which is for dedicated immigration detention facilities. That document was updated in 2022 under President Biden - I will be referring to that document as President Biden's guidance. Since DOC is not a dedicated immigration detention facility, and since our President is again Donald Trump, I find the NDS for non-dedicated facilities more relevant.

It is incumbent upon this committee to ensure that the Alaska Department of Corrections is following the letter of the law as described by the administration of our commander and Chief President Donald J. Trump. The NDS for non-dedicated facilities has been uploaded to BASIS for reference.

Its rare that we hold a hearing ON THE ROAD SYSTEM, but Summer is a busy time so I understand the potential for conflicts and not all of our members could make it today.

[1:10:44 PM](#)

JENNIFER WINKELMAN, Commissioner, Department of Corrections (DOC), in response to a series of questions from Chair Gray, said AS 33.30.31 allows the commissioner to enter into an agreement with the United States (U.S.), another state, municipality, or other state agencies to provide a correctional facility for the custody, care, and discipline of a person held under authority of the law of that jurisdiction. She said DOC has various contracts with various agencies under that statute. Despite a large military presence in Alaska, there is not a federal detention center within the state, so various federal authorities contact with DOC to hold and house detainees when the occasion arises, and U.S. Immigration and Customs Enforcement (ICE) is one of those agencies. The current contract with ICE has been in place since 2013 and is effective until termination in writing. She said the state is reimbursed on a daily cost of care bed rate for individuals in custody. She noted that Anchorage Correctional Complex (ACC) is the only ICE certified DOT facility that can house detainees for more than 72 hours. Prior to the most recent influx of detainees, DOC leadership requested their names and information, as well as

medical abstracts and medication, which was hugely helpful. Of the expected 59 detainees, 41 were brought into the facility on June 8. As of today, 35 remain. She said this is a longstanding agreement that does not include a public process, and any checks and balance fall underneath the legislative audit process. In addition, the legislature has the ability to request and review any agreement along with the funding authority to support funding requirements.

[1:19:43 PM](#)

COMMISSIONER WINKELMAN, in response to a series of questions from Representative Eischeid, said she did not know how ICE selected which detainees to send to Alaska and speculated that only male detainees were sent to Alaska because the ACC only houses men. She clarified that DOC decided to move some inmates who had been awaiting transfer to another facility to lessen the burden on staffing during intake, which is a common practice when an influx of prisoners is expected. There was no cost to the state for the transport of these detainees from Tacoma, Washington, to Anchorage, and contracted per diem rate of \$223.70 covers the direct and indirect cost of housing these detainees.

[1:24:49 PM](#)

COMMISSIONER WINKELMAN, in response to a series of questions from Representative Mina and Chair Gray, reported that the daily cost of care for any individual in DOC's care and custody is \$223.70, which covers onsite medical care. Anything off site is handled through ICE. She added that ICE has been a conduit for DOC staff to ensure that the detainee's information is accurate. She said DOC has been able to recover 100 percent of expenditures associated with this agreement. She deferred questions regarding federal detention standards to ICE, adding that ICE determined whether DOC met its standards before identifying ACC as an approved facility. The ICE detainees are housed as a cohort of individuals in one module. She described the orientation process, explaining that detainees were immediately provided with bagged lunches and the DOC handbook upon arrival. In the days following, translation services were provided, and they were shown how to use the digital law library.

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COMMISSIONER WINKELMAN, in response to a series of questions from Representative Eischeid and Representative Mina, said DOC is using state standards, policies, and procedures, and the contracted facility is certified by ICE. She said attorneys can meet with detainees, but the process has been "bumpy" because DOC had to work with ICE authorities to vet the detainees' approved visitor list; however, since then, that policy has been "ironed out" and some of those restrictions lifted. Detainees are allowed to attend immigration hearings in a timely manner, and ICE facilitates these hearings through DOC.

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CHAIR GRAY cited page 171 and 163 of the document, titled "National Detention Standards for Non-Dedicated Facilities Revised 2019" [included in the committee packet], explaining that embassy officials should be allowed to meet with detainees in a private room and ICE should be encouraging those meetings.

COMMISSIONER WINKELMAN, in response to additional questions from Representative Mina and Representative Eischeid, said ICE officials determine when a detainee is eligible for release, bond, or parole. She said detainees are afforded one hour of outside recreation daily and have a "day room" available to them for any religious practice, as well as access to bibles, pray rugs, etcetera. They are also allowed to request special diets. To her knowledge, she said no detainee requests to see counselor representatives have been denied. The only time the detainees are placed into handcuffs when they are being transported. One use of force occurred during a verbal demonstration resulting in a lockdown and the use of oleoresin capsicum (OC).

[1:51:06 PM](#)

COMMISSIONER WINKELMAN, in response to a series of questions from Chair Gray, said she did not know whether the report was submitted as an incident report to ICE. She said OC was deployed in a common area to make individuals move to their individual cells for lockdown.

CHAIR GRAY cited page 49 of the National Detention Standards for Non-Dedicated Facilities {"2019 National Detention Standards"}, which stated that before the use of OC, medical staff should review the detainees' medical record to check for underlying respiratory conditions that could be exasperated. He asked whether medical staff signed off on the use of OC in this incident.

COMMISSIONER WINKELMAN did not know the answer.

CHAIR GRAY shared his understanding that one detainee was on oxygen and several reported respiratory distress after the incident. He shared his belief that medical staff did not sign off on the use of OC.

COMMISSIONER WINKELMAN, in response to a series of questions from committee members, reiterated that medical and mental health services are provided to detainees under the daily cost of care. She said the digital law library is not available in other languages. She recalled that ICE made the initial call to ACC on June 4, and arrived at the facility on June 8.

CHAIR GRAY shared his understanding that some detainees reported not being able to shower or change their clothes after the OC incident. He referenced a letter [included in the committee packet] from Anna Shumova, an advocate for Albert Khamitov, which stated that Mr. Khamitov was not allowed to change his underwear for three days. Chair Gray said this in an important detail because it contradicts page 128 of the 2019 National Detention Standards, which says socks and undergarments will be exchanged daily.

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CINDY WOODS, Senior Immigration Law and Policy Fellow, Alaska Civil Liberties Union, stressed that these detainees are being detained for immigration visas in civil detention and are not criminal defendants. These civil detainees are waiting for an administrative body to decide their ability to stay in the U.S., and at least four have been granted immigration relief in the form of asylum or withholding of removal by a immigration judge. She argued that these individuals are being held in punitive conditions, which she described in detail. Numerous individuals have reported limited access to phones, use of pepper spray, and threats of pepper spray, tasers, and solitary confinement. Furthermore, a number of detainees are in need of specialized medical care and thus far, those needs have not been met. They are also struggling with the isolation from friends, family, and support networks, and access to religious materials - requests for which have not been granted. They have also reported that filing deadlines and court notices have been missed, leading to concern about their ability to proceed in legal matters. In response to a series of committee question, she said she has spoken with five individuals, and described her prior experience

working at other ICE detention centers with improved conditions where detainees have better access to legal representation, friends and family, recreational activities, and are not subject to strip searches.

[2:08:05 PM](#)

COMMISSIONER WINKELMAN offered to follow up on the question of strip searches after contact visits; with regard to the detainees arriving without their personal property, she recalled that there was a delay in getting the detainees' personal property from Tacoma that has since been resolved.

CHAIR GRAY cited page 200 of the 2019 National Detention Standards, which states that detainees should be transferred with all of their property.

MS. WOODS, in response to a question from Representative Mina, said there are a number of pathways to legal permanent residency, and shared her understanding that a few of the detainees at ACC are legal permanent residents who had legal status to stay in the U.S.

[2:11:41 PM](#)

NICOLAS OLANO, Immigration Attorney, gave invited testimony. In response to committee questions, he said prior to this year, people were typically held for 72 hours in immigration detention in Alaska. He reported that during the Trump administration, he estimated that the number of detainees has increased significantly to 3 people per week. He stated that Alaska's prison system is not defined to hold dozens of detainees while meeting appropriate standards of confinement, as these facilities are designed for criminal settings. Basically, these individuals are being held to a punitive standard that differs from those in an ICE detention center.

[2:19:30 PM](#)

SEAN QUIRK, Attorney, Kellog Hansen, shared that ICE transferred one of his clients from the processing center in Tacoma to ACC, which took place without notice or explanation. Since May, he has been trying to schedule a phone call with the client to provide status updates in his asylum case, which is pending before the 9th Circuit Court of Appeals. On June 16, they finally received a notice that their client could not proceed with a phone call because he had been transferred, although

they did not say where. They finally discovered he was in Anchorage by looking up his alien registration number in ICE's online database. No one from ICE, DOC, ACC, or opposing council notified him of the transfer. In response to committee questions, he said the conditions of ACC are worse than Tacoma, as all warm clothes have been removed and replaced by standard issue shirts and pants. He also reported being denied medical care for a chronic health issue and only one hour of recreation time per week. Further, it's been difficult to make contact with his client, as ACC staff said phone calls could not be arranged because he was a federal detainee and all attorney meetings must be approved by ICE. In addition, officials seized all of his belongings during the transfer, which included legal documents and his attorney's contact information.

[2:24:09 PM](#)

COMMISSIONER WINKELMAN, in response to Mr. Quirk's testimony, reiterated that recreation time is one hour per day, seven days per week, and offered to follow up on this and other discrepancies.

CHAIR GRAY cited page 160 of the 2019 National Detention Standards, which states that the number of calls to legal representatives shall not be restricted.

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MR. OLANO in response to a series of committee questions, confirmed that Mr. Quirk's experience with his client is fairly common.

MS. WOODS added that there is a requirement that ICE notify attorneys before client transfers, but it's not often followed.

MR. QUIRK agreed that ICE must notify attorneys within 24 hours of transfer. In response to a series of committee questions, he shared his understanding that his client's personal belongings and legal documents had not been returned to him.

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REPRESENTATIVE DONNA MEARS, Alaska State Legislature, expressed concern about the conditions of the detainees in Alaska and stated her hope that this hearing would lead to changes.

[2:38:12 PM](#)

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, observed that DOC is treating the federal guidance as advisory, not compulsory. He asked why Alaska is engaging in this agreement with ICE at all if the state is being refunded for its cost.

COMMISSIONER WINKELMAN said it's a good question. She explained that after looking at ACC's population and how many people could be safely held, DOC agreed to house the detainees in an effort to be a good partner. In response to a follow up question, she agreed that DOC could have decided not to participate. She clarified that the OC spray was deployed, but aimed at the ground, not towards an individual.

MS. WOODS, in response to a question from Representative Josephson, said she is aware of a number of cases in which the conditions of confinement have been challenged with reference to the 2019 National Detention Standards, but could not recall the specifics of who bore the costs of that jurisdiction.

MR. OLANO said it's possible that the State of Alaska would be sued again over this issue, and that there would likely be unexpected costs to Alaskans for complying with ICE. In response to a follow up question, he said detainees are typically released from their present location once bond is filed.

[2:45:05 PM](#)

COMMISSIONER WINKELMAN, in response to a series of committee questions, reported that the prior per diem rate had expired on April 30. She shared her understanding that detainees were allowed to bring medications with them from Tacoma, and prior to their arrival, DOC had been working to ensure that a medical abstract was obtained for each individual. She reported that ACC is currently undergoing ICE's recertification process but did not know the timeline. She asserted that detainees have elected to remain housed in a cell with three people together instead of opting for individual cells, likely due to a sense of familiarity. She said when ICE made the initial request, they had asked for housing for up to 30 days, and beyond that, she was unsure of the plan for these individuals.

MS. WOOD shared her understanding that Alaska is the only state that is housing ICE detainees at a state facility.

[2:59:43 PM](#)

MR. OLANO, in response to a question from Chair Gray about rumors of turning Adak's military compound into an ICE detention facility, stated that Alaska is not El Salvador. He stressed that anyone overseeing that proposal would get sued, and it would cost Alaskans money.

MS. WOOD said the allegation is alarming. Detaining individuals in deserts has been common practice to make it more difficult to access legal counsel, she said, so it would not be surprising if this were true.

[3:03:09 PM](#)

COMMISSIONER WINKELMAN, in response to committee questions, encouraged legislators to tour ACC. She expressed her passion for this work, and said her ultimate goal is to make DOC better. She said the hearing was informative and indicated that DOC would fact check conflicting issues. She encouraged people to reach out with questions or concerns to make the department better.

[3:06:45 PM](#)

MS. WOODS encouraged legislators to take the commissioner up on her offer and visit the facility. She emphasized the need for language access, and underscored the fact that these individuals are civil detainees who are not to be held in punitive settings. She said it's incumbent to ensure that they are not being punished for something that is not a crime.

[3:08:14 PM](#)

MR. QUIRK reminded members that the federal government, including ICE, can violate the constitution. He expressed concern that the erosion of due process is happening in real time, and that Alaska should play not part in it. All Americans both inside and outside of government must speak out when constitutional rights are being violated, he argued, and failing to do so erodes the rule of law that makes the country great.

CHAIR GRAY cited page 173 of the 2019 National Detention Standards, which states that media can submit a request in writing 48 hours in advance to meet with a detainee. The facility will inform the detainee of the request, and if they

are willing to sign a consent form, the interview should be scheduled during normal business hours.

3:10:23 PM

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:10 p.m.