



February 14, 2025

Dear Commissioner Winkelman,

Every year during and after the Muslim holy month of Ramadan, the ACLU of Alaska receives reports from Muslim inmates that DOC fails to properly accommodate their Ramadan observance. The tenets of Islam require fasting from dawn to sunset for the entire month of Ramadan, which begins this year at sundown on February 28 and ends at sundown on March 30.

Under the First Amendment and the Religious Land Use and Institutionalized Persons Act, DOC must provide sufficient meals at the appropriate times to inmates observing Ramadan. The Tenth Circuit Court of Appeals held that a prison's failure to provide timely and sufficient Ramadan meals violated the First Amendment. *Makin v. Colo. Dep't of Corr.*, 183 F.3d 1205, 1211 (10th Cir. 1999). The Ninth Circuit Court of Appeals held that a prison's refusal to accommodate a Muslim inmate's general dietary needs can violate the First Amendment. *Shakur v. Schriro*, 514 F.3d 878, 885 (9th Cir. 2008).

DOC recognized its obligations to Muslim inmates in 2019. In the settlement agreement in *Dowl & Jacobsson v. Williams, et al*, DOC agreed to provide at least two hot meals between sunset and dawn to inmates observing Ramadan, consisting of at least 3000 average daily calories. The agreement requires DOC to keep a daily log of all Ramadan meals to ensure compliance and prohibits DOC from removing an inmate from the "Ramadan List" for any reason. But Muslim inmates report that, as recently as 2024, Ramadan meals were often insufficient, cold, and served hours after sunset. Last year, at Anchorage Correctional Complex, DOC removed inmates from the Ramadan List unless they agreed to move into protective custody for the entire month.

"Inmates clearly retain protections afforded by the First Amendment, including its directive that no law shall prohibit the free exercise of religion." *O'Lone v. Est. of Shabazz*, 482 U.S. 342, 348 (1987). No legitimate penological interest justifies these obstacles to Ramadan observance, and the 2019 agreement to this effect is still in force. DOC's practices surrounding Ramadan, singly and in combination, chill the free exercise of religion and violate the settlement agreement.

The ACLU of Alaska will be monitoring Ramadan in DOC facilities this year. We urge you to follow the law and the entire settlement agreement, and we've included a copy for your review. If inmates report clear violations, the ACLU will consider all options, including the possibility of asking the federal court to enforce compliance with its 2019 order approving

the settlement agreement. We would be happy to sit down and confer with DOC to discuss solutions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth Botstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ruth Botstein  
Legal Director, ACLU of Alaska