

REQUEST FOR INTERVIEW

Name:	Jered Kowalski	Institution:	GCCC	Date:	11-18-2015
ACOMS#:	596410	Mod:	SMU	Cell:	63B
To:	Security Sergeant				
Request:	<p>Sir, would I be able to please be escorted out to the inner-yard (or one of the ball fields) for an hour a day for outdoor recreation? No outdoor rec exists here in SMU.</p> <p>Thank you for your time.</p>				

Prisoner Signature:

Action Taken: The SMU rec yard has open grates that allows fresh air from the outside into the rec yard. You are out of your cell ~~for~~ That allows you to go out there for rec

Employee Signature:

Date:

11/19/15

Final Action Taken:

Employee Signature:

Date:

Instructions: Requests must be specific and state the action being requested (i.e. interview, hearing, etc.). Requests are to be responded to within a reasonable time of receipt.

Distribution: Original to Case Record

PRISONER NAME	ACOMS NUMBER	DIO LOG NUMBE
Kowalski, Jared	596410	GCC16-422

INVESTIGATOR'S FINDINGS AND RECOMMENDATIONS

SEE ATTACHED

INVESTIGATION: I met with grievant on _____ at _____ hours

INVESTIGATOR'S SIGNATURE *MM Oliver* DATE 4/21/16
OLIVER

SUPERINTENDENT'S FINDINGS AND DETERMINATION:

Relief partially granted - Consistent with findings.

SUPERINTENDENT'S SIGNATURE *J. C. [Signature]* DATE 4/26/16

PRISONER'S RESPONSE:

- I AM SATISFIED WITH THE RESPONSE.
- I AM NOT SATISFIED WITH THE RESPONSE.. BUT DO NOT WISH TO APPEAL.
- AND DO INTEND TO APPEAL TO THE DIRECTOR OF INSTITUTIONS OF MEDICAL DIRECTOR.

I UNDERSTAND THAT MY COMPLETED STATEMENT OF APPEAL FORM MUST BE SUBMITTED TO THE GRIEVANCE COORDINATOR WITHIN TWO WORKING DAYS OF THIS DATE.

PRISONER'S SIGNATURE *[Signature]* DATE 4-29-2016

FORM DELIVERED TO PRISONER BY OFFICER *Via [Signature] OLIVER* 4-26-16
(PRINT NAME/SIGNATURE) (DATE/TIME)

Prisoner Request Relief: Please allow me the opportunity to go outside for 1 hour per day, 7 days per week as provided in 22AAC 05.164, P&P 815.01 and P&P 804.01. Also, please do not retaliate and provide me with less out of my cell that I currently have and/or don't make this 1 hour block available during normal and current sleeping/lights out hours. Additionally, some may decline to go outside on any given day. If this is the case, do not keep these individuals locked down during this time but continue normal in mod rec times. This would be consistent with the recreation opportunities provided to the general population in relation to outdoor recreation. This would make GCCC compliant with the portion concerning administrative segregation and outdoor recreation opportunities as outlined in 22 AAC 05.165

22 AAC 05.165 Recreation and exercise

(b) A prisoner must be offered outdoor recreation for a minimum of seven hours a week, weather permitting, unless security considerations require limitations.

(d) A prisoner who is in administrative segregation for a period longer than three days has the right to recreation as set out in (b) of this section unless the prisoner is an escape, smuggling, or security risk, as determined by the superintendent. Such a prisoner may be restricted to indoor recreation in a gymnasium or exercise room. During the first three days in administrative segregation, a prisoner must be permitted at least one hour a day outside his or her cell for purposes of limited exercise.

Special Management Unit (SMU) has a separate recreation/gym area where Prisoner Kowalski may go out to his rec. That area has a big window with a clear screen on it and a view of the skyline is visible through that screen. It allows fresh air and sun light to come inside the gym.

Per Policy 804.01.VII.F "Rights and Privileges. Segregated inmates must be afforded rights and privileges consistent with the security risks inherent in the reasons and justifications for the segregation. (1) Access to visitation, mail, telephone, recreation, law library, and programs can be restricted only if an individualized determination is made that an inmate's participation threatens the order and security of the facility."

Per Policy 815.01.A "Responsibility for Recreation Programs, Facilities, and Equipment. (1) The superintendent at each institution shall develop and maintain recreation programs for prisoners compatible with the security level of the facility and the prisoners' custody levels. The superintendent shall designate staff to coordinate these programs. 22 AAC 05.165(a)." Outside recreation area within the unit is provided to Prisoner Kowalski on daily bases.

GCCC provides recreation schedule for over a 1,000 prisoners throughout the day. If GCCC were to allow SMU prisoners (AS-5) come to the yard and recreate during general population rec time, it would create a threat to security of this facility. Closing the yard for AS-5 prisoners would also create an issue in the orderly operation of the facility. Prisoner Kowalski is currently on Administrative Segregation Status (AS-5) in SMU. At this point his request of recreation is being met by providing him with a separate outdoor recreation area within his Unit as per policy. Prisoner may choose to remove himself from AS-5 status to be a General Population prisoner if he wishes to recreate in the General Population yards.

Recommendation: Relief Partially Granted. Prisoner Kowalski is allowed to access the SMU gym area on daily bases for his rec time unless security considerations arrive. Him going to common area with general population prisoners would create a threat of assault and threatens order and security of the facility. Prisoner Kowalski will not be retaliated against, and may continue use his allowed time for his rec. GCCC will continue follow policy regarding Administrative Segregation Prisoners, and provide needs as required by policy.

PRISONER GRIEVANCE

PART ONE

PRINT NAME <i>Jared Kowalski</i>	INSTITUTION/MODULE <i>GCCC/SMU</i>	Offender # <i>596410</i>	FSO LOG # <i></i>	DIO LOG # <i>GCC16422</i>
INCIDENT DATE <i>3-25-2016</i>		TODAY'S DATE <i>4-17-2016</i>		

BEFORE YOU COMPLETE THIS FORM:

1. Is this about an incident that is other than a disciplinary action or classification decision?
2. Did you first talk to the appropriate person to informally solve the incident?
3. Did you file a Request for Interview Form (cop-out) on this incident and receive a response?

CIRCLE

Yes No

Yes No

Yes No

If you said "NO" to any of these questions, the grievance may be screened and returned.

INSTRUCTIONS:

1. Limit this grievance to ONE incident.
2. Attach the completed Request for Interview Form copy OR describe HOW you attempted to solve it informally:
 - a. WHO did you talk to?
 - b. WHEN did you talk with him/her?
 - c. WHAT were you told?
3. Attach up to two additional pages of narrative to describe the incident.

AFFIRMATION and SIGNATURE:

1. I affirm that this grievance is filed within 30 days of the incident or my knowledge of the incident.
2. I affirm the following statements are true and accurate and that I may be disciplined for providing false information pursuant to 22 AAC 05.400.

PRISONER'S SIGNATURE:

[Handwritten Signature]

Until recently I was one of two advocates for SMU on the institutional inmate council before I decided to resign and submitted a RET to P.O. Conates dated 4-7-2016. I tried to informally resolve this issue by asking administration's representatives consisting of P.O. Conates, LT. Dial and LT. Yarnot if we were going to be allowed outdoor recreation via a written proposal submitted at our February meeting. At our latest meeting on 3-25-2016 LT. Yarnot said that there will be no possibility of outdoor Rec. Please reference attached MEMO stating this from LT. Dial in reference to our meeting. The SMU gym can NOT be considered "outdoor recreation." It is virtually impossible to come to this conclusion. I am still confined within 4 walls and cannot see outside or nature at all. By this reasoning, if I were out in the day room and the vents leading to the outside, near the ceiling, were open providing fresh air from the outside, this would/could be considered outdoor recreation? IF this is the case, each housing unit at GCCC is equipped with those vents. (continued)

I REQUEST THE FOLLOWING RELIEF (State the outcome you are seeking):

Please reference Page 3 of 3 of grievance narrative for requested relief.

I acknowledge receipt of this grievance and have issued the log number above for reference. Please refer to assigned log number with any inquiries about this grievance.

DATE RECEIVED: *4/18/16*

STANDARDS OFFICER'S SIGNATURE:

[Handwritten Signature]

Page 2 of 3 of grievance narrative

Why not deny actual outdoor Rec to the entire general population?
Just open these vents in the housing units to allow fresh air in and
Call this their outdoor Rec. It is literally the same excuse/
reasoning that is being used to consider the SMU gym "outdoor
recreation" if the "fresh air coming in" is the standard. According
to Policy & Procedure 815.01 (Procedures XE)(3) Administrative
Segregation: "A prisoner in administrative segregation has the
same right to outdoor recreation as the general population
for at least one hour per day, seven days per week, unless
an individualized determination si (sic) made that the
prisoner is a security risk as in section I above." Section
I references escape, smuggling, or security risks. This
policy echoes in P&P 804.01 (VII)(F)(1) & (2). These policies
are codified in 22 AAC 05.165. 22 AAC 05.165 (d)
states, "A prisoner who is in administrative segregation
for a period of longer than three days has the right to
recreation as set out in (b) of this section unless the
prisoner is an escapee, smuggling, or security risk, as
determined by the superintendent." As of the filing of this
grievance it has been approximately 204 days since I have entered
administrative segregation and have not been allowed to go
outside and have not seen nature or been able to be in the
sun for even 1 day. The denial of my right to outdoor recreation
1-hour per day, 7-days per week is certainly deliberate
indifference. Not only is this a severe detriment to my
physical health but also a MATR detriment to

Page 3 of 3 of grievance narrative

intention to keep me in this type of environment, a veritable dungeon, and not have the opportunity to see the sun or nature for over 2-decades? If it were not happening to me, I would not be able to believe that prison officials could treat another human being like this.

I Request the Following Relief

Please allow me the opportunity to go outside for 1-hour per day, 7-days per week as provided in 22 AAC 05.165, P&P 815.01 and P&P 804.01. Also, please do not retaliate and provide me with less time out of my cell than I currently have and/or don't make this 1-hour block available during normal and current sleeping / lights out hours. Additionally, some may decline to go outside on any given day. If this is the case, do not keep these individuals locked down during this time but continue normal in-mod rec times. This would be consistent with the recreation opportunities provided to the general population in relation to outdoor recreation. This would make GICC compliant with the portion concerning administrative segregation and outdoor recreation opportunities as outlined in 22 AAC 05.165.

Memorandum



State of Alaska

Department of Corrections
Goose Creek Correctional Center
PO Box 877790
Wasilla, Alaska 99687
Phone (907) 864-8100 Fax. (907) 864-8428

To: POIII Coates-Servin

From: Lt. Dial

Date: 3/29/2016

Subject: Response To Advocate Meeting Minutes for 3/25/2016

Tier 1 Proposal: No Magic cards. No dice or D&D supplies. No Area 51 or Boscos Communal games will be purchased for SMU just like in GP. The games will be checked out from the mod officer.

Tier 2 Proposal: Increased food item limit is denied. It will remain at 10.

1. Waiting for approved equipment for SMU.
2. No outdoor recreation or GP gym.
3. Thermals approved. Mesh bags will be utilized at this time. Laundry will be two three times per week.
4. Phones stay at 7 am.
5. Taken off Segregation meal protocol.
6. Religious meal temperature is being looked at.
7. Meal menus are approved to be displayed in a window.
8. 5 book limit plus one bible. Bible is not counted toward limit.
9. 15 packets of condiments equal one food item. Commissary sheets are being updated.
10. Hair cuts will go to twice per week.
11. Televisions will remain on news only.
12. Shower curtains are denied.
13. No other personal clothes.

Dear Standards Administrator,

I am writing this level III grievance appeal because I firmly believe this grievance has been handled/considered inappropriately throughout the entire process.

First and foremost, a document which I included with my initial grievance was removed prior to me receiving the response from the investigator. When I had another copy made and included it with my level II appeal to the Director, this very same document was removed, again. This is surely a horrible violation of the entire grievance process for staff to not once, but twice, remove supporting documentation so as to not allow the decision makers to see it. This was not an accident. Once may be an oversight, twice is certainly deliberate. How is it acceptable to alter/censor a submitted grievance by removing supporting documentation? It would seem the Department, and certainly this facility, will do anything it can to protect itself, always at a detriment to us inmates. This is not the first time a grievance of mine was altered after submittal.

The removed document mentioned is the third on my "Other Attachments:" listed on Form 808.03D "-Memorandum from LT. Dial Re: 3/25/2016 meeting minutes." Having to pay .15¢ for each copy starts to add up. If, for whatever reason, this document does not make it to you, please let me know. These removals/grievance censorship certainly cannot be legal.

Second, I implore you to please review all levels of this grievance. The Director states, "22 AAC 05.165 and department policy both address limitations that may be implemented based on security considerations." While this is certainly true, it didn't prevent the facility from providing us with an hour of recreation outside when we were housed in Kilo mod. This is more of the facility considering it a burden or hassle to have to work us in SMU into the schedule for outdoor rec than any real "security concern." It is very disheartening that D.O.C. can quite literally get away with anything just by citing "security," even if such a claim is arbitrary and contains no merit.

And, just because it is a hassle to adjust the schedule, is that truly a reason to ignore over 100 inmates rights? Especially something so serious as being able to be outdoors, if just for an hour a day. As I've stated previously in my grievance, the severe detriment to physical and mental health by the denial of such an important aspect to human development cannot be stressed enough. This detriment is greatly amplified for those of us, myself included, who have decades left to serve. The will to do anything, even to wake up each morning, decreases by the day. Especially being locked in a 8'x10' cell for over 20 hours a day. I can cite thousands of scientific studies to back up my claims but only have an allotted two pages for this appeal. This has certainly got to rise to an Eighth Amendment issue.

Third, as far as policy is concerned, I find it extremely nerve wracking that us inmates are expected to adhere closely to policy, with it being quoted often when denying us anything. At the same time, when one of us inmates attempts to argue for a

RECEIVED

JUN 09 2016

right we deserve and are clearly entitled to, the Department routinely states that these policies are more "suggestions" than anything. I'm paraphrasing but I am not far off. One of these such statements was just used in the Director's response when he states, "The facility will use an IDR form where appropriate and necessary to do so." This is in direct contrast to Department policy 815.01(E)(1):

"Security Risk. A prisoner is limited to exercise...if the institution makes an individualized determination...In such a case, the superintendent or designee must:

- a. Provide written, specific facts applicable to the prisoner that justify the decision that the prisoner is an escape, smuggling, or security risk and, therefore, not entitled to outdoor recreation. The superintendent or designee shall give the prisoner notice of this decision as soon as practicable, either before or upon denying outdoor recreation."

This "must" and "shall" is mandatory language, which makes these actions mandatory to do so, not "when appropriate and necessary to do so" language. None of us in SMU have received any such IDR for the past almost 9 months since we've been in here stating specifically how each individual person in here is a threat to the facility, and thus, why we are denied our right to outdoor recreation. There are a good many violations going on at this facility.

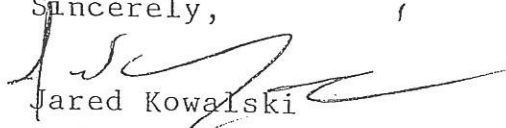
It has now been 254 days since I have seen the outdoors and nature. And to think, I did not violate any Department rules to warrant being so blatantly mistreated and having my rights so arbitrarily violated. This is due to the facility not being able to adequately ensure my care and custody whose duty falls under the Commissioner. This is because the facility does little to nothing about the known gang activity, extortion, drugs and assaults, so I had to take the matter into my own hands and request protective custody. And to the facility, I am the threat. With this, we have to deny my access to outdoor recreation, even though us protective custody inmates are the LEAST threatening and lowest security risk to the facility.

Could it truly be the Department's intent to keep us least threatening, lowest security risk inmates so restricted, in a veritable dungeon for decades without any hope of even seeing the outside world?

Thank you for your time and consideration.

DATED this 5th day of June, 2016.

Sincerely,


Jared Kowalski



THE STATE
of ALASKA
GOVERNOR BILL WALKER

OFFICE OF THE COMMISSIONER

550 West 7th Avenue, Suite 1860
Anchorage, Alaska 99501
Main: 907.269.7397
Fax: 907.269.7390

DATE: July 8, 2016
TO: Jared Kowalski #596410
SUBJECT: Standards Administrator Review for Log # GCC16-422
Level 3 Grievance

Dear Mr. Kowalski:

I have considered your request for a review of your grievance # GCC16-422, and the supporting documentation that was submitted. I am denying your Level 3 grievance, as I find that it was handled consistent with departmental policy at both Level 1 and Level 2. Your allegations were that you are not being offered outdoor recreation while being housed on the Special Management Unit (SMU) at Goose Creek Correctional Center (GCCC). You also allege that documents were removed from your grievance. It was found that no documents were removed from your grievance. Additionally, you are provided an appropriate recreation area that allows fresh air, natural light, and a view. This recreation area is consistent with Policy and 22AAC 05-165. It should also be noted that no Individualized Determination is required for the use of the SMU recreation area.

This is the final administrative response from the Department regarding your grievance # GCC16-422. Thank you for your appeal, and I encourage you to be successful during the remainder of your incarceration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Clare M. Sullivan".

Clare M. Sullivan
Deputy Commissioner of Institutions

INMATE COPY

Copies sent to:
Superintendent
Standards Sergeant