

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-01855-PAB-KMT

RICHARD REID,

Plaintiff,

v.

MR. R. WILEY, Warden, Federal Bureau of Prisons,
MR. M. MUKASEY, United States Attorney General, and
MR. H. WATTS, General Counsel, Federal Bureau of Prisons,

Defendants.

DECLARATION OF MARK COLLINS

I, Mark Collins, hereby declare the following to be true and correct to the best of my knowledge pursuant to 28 U.S.C. § 1746:

1. I am the Unit Manager for the General Population Units at the United States Department of Justice, Federal Bureau of Prisons (“Bureau”) facility known as the United States Penitentiary, Administrative Maximum (ADX), Florence, Colorado.

2. My job responsibilities include day-to-day management of the prison units that I oversee, including ensuring that the inmates receive recreation and food; determining where inmates should be housed within the unit; involvement in disciplinary proceedings as needed; and otherwise ensuring the safety of both inmates and staff by the orderly running of the units within the institution.

3. The ADX is a high security facility housing maximum custody sentenced inmates in single occupancy cells. Maximum custody is the highest custody level that can be assigned to

an inmate. This is the only facility of its type in the Bureau, although there are many other United State Penitentiaries. This 490-bed facility opened in 1994. The missions of the ADX are to: (1) assist the institution in maintaining the safety of both staff and inmates, while eliminating the need to increase the security of other penitentiaries; and (2) confine inmates under close controls while providing them opportunities to demonstrate progressively responsible behavior; participate in programs in a safe, secure environment; and establish readiness for transfer to a less secure institution.

4. The security needs of the inmates housed at the ADX require very restrictive procedures for movement of the inmates, interaction with staff, other inmates, recreation, visitation, and programming. However, the central operating philosophy of this institution is to allow inmates as much unrestrained movement and program access within the institution as possible, consistent with staff and inmate safety.

5. All inmates at the ADX are single celled. Cells are generally side-by-side. Inmates generally communicate by speaking at a moderate tone, or using the air ventilation as a voice conduit. Each cell has a light, which the inmate may turn on and off as needed.

6. Inmate Richard Reid, Federal Register Number 24079-038, is presently confined at the ADX. Inmate Reid has been incarcerated at the ADX since February 4, 2003. I am familiar with inmate Reid, his background and his conditions of confinement, both current and former, while housed at the ADX.

A. Restrictions imposed by inmate Reid's former Special Administrative Measures, or "SAM."

7. Inmate Reid had Special Administrative Measures (SAM) imposed on him,

pursuant to § 501.3. The SAM was initially imposed on February 19, 2002. The SAM imposed on inmate Reid included the following restrictions on his confinement:

- a. Prohibited him from having contact (including passing or receiving any oral, written, or recorded communications) with any other inmate, visitor, attorney, or anyone else except as outlined and allowed by his SAM that could reasonably foreseeably result in his communicating information (sending or receiving) that could circumvent the SAM's intent of significantly limiting his ability to communicate (send or receive) information that could be used to solicit crimes of violence.
- b. Permitted him to communicate with other SAM inmates orally only during certain predesignated times, in a place and for a duration set by the Bureau. However, he was prohibited from having any physical contact with other inmates during this predesignated time and all such predesignated communications were monitored and/or recorded.
- c. Nonlegal telephone calls were limited to his immediate family members and to two members of his extended family and had to be contemporaneously monitored by the Federal Bureau of Investigation (FBI).
- d. Nonlegal visits were limited to his immediate family members; contemporaneously monitored by the FBI; only permitted with a minimum of fourteen calendar days advance written notice to the Bureau; and limited to one adult visitor at a time.
- e. Nonlegal mail was limited to his immediate family and two members of his extended family, U. S. Courts, federal judges, U. S. Attorneys' Offices, members of U. S. Congress, and Bureau and other federal law enforcement entities. The volume and frequency of outgoing correspondence with immediate family members could be limited to three pieces of paper (not larger than 8 ½ x 11), double-sided, once per calendar week to a single recipient.
- f. All nonlegal mail was copied; forwarded to the FBI; analyzed; and forwarded for delivery to inmate Reid or directly to the addressee after a review and analysis period.
- g. Prohibited inmate Reid from talking with, meeting with,

corresponding with, or otherwise communicating with any member or representative of the news media, in person, by telephone, by furnishing a recorded message, through the mail, through his attorney, through a third party, or otherwise.

- h. Restricted his access to commissary items.
- i. Prohibited him from accessing television channels and radio stations which primarily broadcast news.
- j. Permitted him access only to publications determined not to facilitate criminal activity or be detrimental to: national security; the security, good order, or discipline of the institution; or the protection of the public. This determination was made by the FBI, in consultation with the Bureau and the United States Attorney's Office. Sections of the publication which offered a forum for information to be passed by unknown and/or unverified individuals, including, but not limited to, classified advertisements and letters to the editor, were removed from the periodicals/newspapers prior to the distribution to him.

8. While the SAM was imposed, inmate Reid was housed in the Special Security Unit (H-Unit). The Special Security Unit (H-Unit) only houses those inmates who have Special Administrative Measures imposed on them, pursuant to 28 C.F.R. §§ 501.2 and 501.3. Each cell in H-Unit has approximately 75.5 square feet of living space and does not have a sallyport or a shower. Each cell has a solid outer door. Each cell's solid outer door has a window, which looks out on to the range. Each cell also has a window that looks outside, providing the inmate with natural lighting. While inmate Reid was housed in H-Unit, the inmates received a minimum of 5 hours of out-of-cell exercise per week. The inmates in H-Unit are currently receiving 7 hours of out-of-cell exercise per week. The inmates recreate individually in secure single recreation areas. The inmates consume their meals in their cells. The inmates receive two monthly social telephone calls and may receive social visits.

9. Inmates housed in the H-Unit are handcuffed from behind the back and leg restrained prior to their removal from their cells. These inmates are escorted within the unit by a minimum of two staff, one holding the cuffs and the other holding a baton. These inmates are screened with a metal detector and a body scan machine when removed from their cell.

10. Whenever an H-Unit inmate is escorted out of the unit he is removed from his cell, handcuffed in the front, and leg restrained. Staff then apply a Martin chain, black box and padlock. The inmate is then escorted by two staff, one of whom is a Lieutenant and has a baton.

11. Inmate Reid was housed in H-Unit from February 4, 2003, to August 14, 2009.

B. The lessening of restrictions on inmate Reid associated with the non-renewal of his SAM.

12. On June 17, 2009, staff at the ADX were notified that inmate Reid's SAM was not renewed and he was no longer subject to the terms and conditions of the SAM. Inmate Reid was also notified of the non-renewal on June 17, 2009.

13. On August 14, 2009, inmate Reid was moved from H-Unit to D-Unit, one of four General Population Units at the ADX. Each cell in the General Population Units is 87 square feet, which does not include the sallyport area of the cell, which is 17 square feet. Each cell has a solid outer door and an inner grill. Each cell solid outer door has a window, which looks out on to the range. Each cell also has a window that looks outside, providing the inmate with natural lighting. Inmates in general population receive a minimum of 10 hours of out-of-cell exercise per week. The inmates recreate individually in secure single recreation areas. The inmates consume their meals in their cells. Shower stalls are located within the cells. Inmate Reid is now permitted to purchase items from the General Population commissary list.

14. Inmates housed in the General Population Units are handcuffed from behind prior to their removal from their cells. These inmates are escorted within the unit by a minimum of two staff, one holding the cuffs and the other a baton. These inmates are screened with a metal detector and randomly visually searched when removed from their cell.

15. Whenever a General Population Unit inmate is escorted out of the unit, he is handcuffed from behind and leg restrained. The inmate is then escorted by two staff, one holding the cuffs and the other a baton.

16. As an inmate in a General Population Unit, inmate Reid now has the opportunity to progress through the Step-Down Unit program, with the potential for transfer to a less secure institution. As inmate Reid demonstrates periods of clear conduct and positive institutional adjustment, he may be permitted to progress from the General Population Units, through Intermediate and Transitional Units, to finally, the Pre-Transfer Unit located at the United States Penitentiary, High Security, Florence, Colorado—with increasing degrees of personal freedom and privileges at each stage.

17. It will take inmate Reid a minimum of 36 months to complete the Step-Down Unit program. The minimum stay in a General Population Unit is twelve months; the Intermediate Program, six months; the Transitional Program, six months; and the Pre-Transfer Unit, twelve months. It is the goal of the ADX to transfer inmates to less secure institutions when the inmate demonstrates that a transfer is warranted and he no longer needs the controls of the ADX.

18. All General Population Unit inmates are provided with access to both indoor recreation and outdoor recreation. General Population Unit inmates have an opportunity for out-

of-cell recreation 10 hours per week.

19. In the General Population Unit, inmate Reid has access to more television and radio channels than SAM inmates. These channels include those which primarily broadcast news, including CNN. Inmates in B, D, E, F, and G units have individual black and white televisions in each cell, which provide 24-hour select broadcast channels (60 Channels); channels for closed circuit institutional programming (Recreation, Education, Religious Services, and Psychology); radio stations; and digital music channels.

20. As a General Population Unit inmate, the restrictions on inmate Reid's communications are less than those to which he was subject under the SAM.

21. On or about August 25, 2009, inmate Reid was notified of his placement on Restricted General Correspondence Status, pursuant to 28 C.F.R. § 540.15. It was determined inmate Reid's unlimited general written correspondence might facilitate further criminal activity and pose a threat to security and good order of the institution and the protection of the public. Restricting his general correspondence was determined necessary as he is considered a "security risk" pursuant to Program Statement 5265.11, Correspondence, section 12.a.(4). See Attachment 1.

22. While on this status, inmate Reid's general correspondence (incoming/outgoing) is limited to/from verifiable immediate family members only (spouse, mother, father, children, and siblings, as well as two of his aunts). Inmate Reid may request that other persons be placed on the approved correspondence list, subject to investigation, evaluation, and approval by the Warden. The Warden may allow an inmate additional correspondence with persons other than those on the inmate's approved mailing list when the correspondence is shown to be necessary

and does not require an addition to the mailing because it is not of an ongoing nature.

23. The FBI is not involved in the determination as to whether additional correspondence with persons other than those on the inmate's approved mailing list will be allowed.

24. Inmate Reid's incoming and outgoing nonlegal mail is no longer forwarded to the FBI for review and analysis prior to delivery.

25. There are no limits on the volume and frequency of inmate Reid's outgoing written communications.

26. The FBI is no longer required to approve inmate Reid's requests for publications or periodicals. Inmate Reid may request the opportunity to receive any publication, including those related to the practice of his faith. Inmate Reid's requests for publications will be reviewed to determine whether they are suitable for introduction into the institution pursuant to 28 C.F.R. §§ 540.70-72—the same standard applied to all ADX inmates.

27. Sections of publications that offer a forum for information to be passed by unknown and/or unverified individuals—such as classified advertisements and letters to the editor—are no longer removed from periodicals/newspapers prior to distribution to inmate Reid.

28. Inmate Reid is permitted to communicate with the media pursuant to 28 C.F.R. § 541.20.

29. Inmate Reid will receive up to two monthly social telephone calls pursuant to 28 C.F.R. § 540.100. These telephone calls are no longer limited to members of inmate Reid's immediate family. These telephone calls are no longer contemporaneously monitored by the FBI.

30. Inmate Reid may receive up to five social visits each month pursuant to 28 C.F.R. §540.40. These visits are no longer limited to members of inmate Reid's immediate family. These visits will no longer be contemporaneously monitored by the FBI. These visits do not require a minimum of fourteen calendar days advance written notice to the Bureau. Three adult visitors may be present during the same visit.

31. Inmate Reid may communicate with other ADX General Population Unit inmates during recreation periods. Inmate Reid's communications with other inmates will not be monitored or recorded.

32. Inmate Reid is permitted to respond, orally or in writing, to his being placed on restricted general correspondence, and a written response will be provided by the Bureau. Inmate Reid may consider this an attempt at informal resolution under the Bureau's Administrative Remedy Program. In addition, he may seek a formal review of the decision to place him on Restricted General Correspondence Status through the Bureau's Administrative Remedy Program.

33. Inmate Reid's placement on Restricted General Correspondence Status will be reviewed in six months to determine if it should be renewed.

34. Inmate Reid may request the opportunity to take correspondence courses related to the practice of his faith pursuant to 28 C.F.R. § 544.20, *et. seq.* As of the date of this Declaration, inmate Reid has not made a request to take a correspondence course.

35. Inmate Reid has unrestricted access to the materials and programs offered to inmates at the ADX by Religious Services.

36. There are nine other inmates who were housed at the ADX and whose SAM were

removed. Four of these nine inmates are currently housed at the ADX in a General Population Unit. One of these nine inmates is currently housed in the Intermediate Unit, or first phase of the Step-Down Unit program. I am not aware of SAM being reimposed on any inmate who was previously subject to SAM and whose SAM was removed.

37. I am aware that there are currently 209,030 inmates incarcerated in the Bureau. Of those 209,030 inmates, only 43 are currently subject to SAM.

Executed on this 12 day of November, 2009, at Florence, Colorado.



Mark Collins
Unit Manager
ADX