

restrictive procedures for movement of the inmates, interaction with staff, other inmates, recreation, visitation, and programming.

39. All inmates at the ADX are single celled. The cells are generally side-by-side and allow communication between inmates by speaking in moderate tones, or using the air ventilation as a voice conduit. Inmates may also speak with one another while at recreation on one of the large recreation yards, while they are in their secure, individualized recreation areas.

40. The ADX currently has several housing units, including four General Population Units, two Step-Down Program Units, a Special Security Unit, a Special Housing Unit, and a Control Unit. A description of each relevant unit is as follows:

- a. The four General Population Units (D, E, F, and G-Units) houses those in the first of the four phase Step-Down Unit Program (Program). The placement of an inmate in one of these units is a classification decision. Each cell 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's solid outer door has a window, which looks out on to the range. The wall next to the door for each cell also has a window, which is approximately 46 inches long and 12 inches wide. Each cell also has a window that looks outside, providing the inmate with natural lighting. These inmates receive a minimum of 10 hours of out-of-cell exercise per week. The inmates out-of-cell recreation occurs in secure, single recreation areas. Some secure, single recreation areas are grouped together on large recreation yards. The inmates meals are delivered to them at their cells. The inmates consume their meals in their cells. They receive 2, 15-minute social telephone calls per month. The inmates may receive up to 5 social visits, monthly. They may talk with each other while in their cells, in moderate tones, or during their out-of-cell recreation. Shower stalls are located within the cells.
- b. The Intermediate Unit (J-Unit) houses those inmates in the second phase of the Program. The advancement of an inmate to this phase of the Program is a classification decision. Each cell in J 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 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. The inmates are assigned to one of 8 groups. There are no more than 8 inmates to a group. These inmates receive a minimum of 10.5 hours of out-of-cell recreation per week. The inmates recreate out of their cells on the range with inmates in their assigned group. The outdoor, out-of cell recreation is also with inmates in their assigned group, but in secure, single recreation areas. The meals are provided to the inmates by groups, meaning each group is allowed out of their cells one at a time to come to the front of the range, receive their meals, and then return to their cells while unrestrained. The inmates eat their meals in their cells. The inmates are unrestrained when out of their cells on the range. The inmates receive 3, 15 minute social telephone calls per month. They may receive up to five social visits per month. Shower stalls are located on the range. The inmates may shower anytime they are out on the range. The inmates may talk with each other while in their cells, in moderate tones, or during their out-of-cell recreation.

- c. The Transitional Unit (K-Unit) houses those inmates in the third phase of the Program. The advancement of an inmate to this phase of the Program is a classification decision. Each cell in K-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 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. The inmates are assigned to one of 4 groups. There are no more than 16 inmates to a group. These inmates receive a minimum of 21 hours of out-of-cell recreation per week. The inmates recreate with other inmates in their assigned group on the range, or outdoors, on a large recreation yard. The inmates in this phase consume their meals out on the range with the other inmates in their assigned group. The inmates are unrestrained when out of their cells. The inmates receive 4, 15 minute social telephone calls per month and may receive up to five social visits per month. Shower stalls are located on the range. The inmates may shower anytime they are out on the range. The inmates in this phase of the Program may leave the unit,

unrestrained and under a staff escort, to purchase items from Commissary.

- d. The Pre-Transfer Unit is located at the United States Penitentiary, High Security, Florence, Colorado, in Delta-Bravo (D/B) Unit. This is the fourth phase of the Program. The advancement of an inmate to this phase of the Program and eventually out of the Program, is a classification decision. Each cell in D/B Unit has approximately 80 square feet area of living space and does not have a sallyport or a shower. The inmates are assigned to one of two groups. 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. The inmates consume their meals on the range with the other inmates in their assigned group. Showers are located on the ranges. The inmates may shower at any time they are on the range. The inmates recreate with their assigned group. The inmates receive a minimum of 24.5 hours of out-of-cell recreation per week. The inmates' out-of-cell recreation includes recreation in the unit and in the outdoor group recreation area. The inmates receive 300 minutes of social telephone calls per month. The inmates may receive up to five social visits per month.

41. All inmates are provided with access to both indoor recreation and outdoor recreation. Inmates who choose to go to outside recreation have access to sunlight and fresh air.

42. Each cell has a light, which the inmate may turn on and off as needed. These lights have three settings (dim, medium, and bright). The inmate controls the setting of the lights from inside his cell. The inmate can turn the light completely off. The inmate is required to turn the light on when staff are interacting with him at the front of his cell.

43. Inmates in D, E, F, G, J, and K Units have individual black and white televisions in each cell, which provides 24-hour select broadcast channels (60 channels), channels for closed circuit institutional programming (Recreation, Education, Religious Services, and Psychology, etc., radio stations, and digital music channels).

One of the television channels is utilized to provide bulletins to the inmates and has the date and time on it.

44. The inmates in D/B Unit have access to a similar package of broadcast channels, but through 5 televisions located on the range of the unit and in 2 television viewing rooms. The institutional programming (Recreation, Education, Religious Services, and Psychology) is provided through video-tapes and DVDs, which the inmates may check out from unit staff and view in separate programming rooms.

45. All inmates at the ADX and in D/B Unit have contact with other persons on a daily basis. The Warden, Associate Wardens, Captain, and Department Heads perform weekly rounds so they can visit with each inmate. Correctional Officers perform regular rounds throughout all 3 shifts on a daily basis. A member of an inmate's Unit Team visits him every day, Monday through Friday, except on holidays. Inmates receive regular visits from medical staff, education staff, religious services staff, and psychology staff when they perform their rounds, and upon request if needed. Inmates also have access to medical and mental health visits upon request.

46. All inmates at the ADX may receive non-contact legal and social visits. The inmates in D/B Unit may receive legal visits in the main visitation room and non-contact social visits.

47. All inmates may send and receive general and special correspondence.

48. The inmates in the four General Population Units ordinarily require hand restraints, behind the back when being moved from their cells and staying within the housing unit. If the inmate is being moved outside the housing unit, leg restraints are also utilized. Any time an inmate is handcuffed in the front (e.g., medically necessary,

legal telephone calls, visits, etc.) a Martin chain is used. These inmates are escorted by two staff, one of which carries a baton, and the other maintaining control of the restraints. When removed from their cells, these inmates are randomly visually searched before they are restrained. If the inmate is not visually searched, he is thoroughly pat searched when removed from his cell. Every inmate is screened with a hand-held metal detector. Any interaction between ADX staff (e.g., education, religious, psychology, barber, medical, dental, etc.) and a General Population inmate while in his cell is done with a Correctional Officer, with a baton, present. The staff and inmate are separated by a barred grille. If the interaction occurs outside of the cell, the inmate is restrained and at least two Correctional Officers, one maintaining control of the hand restraints and the other with a baton, are present.

49. The security escort and staff interaction requirements for inmates in the Intermediate Unit are the same as those for the General Population Unit inmates.

50. In the Transitional and Pre-Transfer Units, inmates are unrestrained when out of their cell and restraints are not required during escorts to various programming areas. These inmates are subjected to pat searches and screened with a metal detector upon entering and leaving the unit, and random visual searches upon entering. Any interaction between staff (e.g., education, religious, psychology, barber, medical, dental, etc.) and a Pre-Transfer Unit inmate while in his cell is done without a Correctional Officer present. If the interaction occurs outside of the cell, the inmate is not restrained.

51. A true and accurate copy of Institution Supplement FLM 5321.06H(1),

General Population and Step-Down Unit Operations, is provided hereto as Attachment 7. On October 8, 2009, an updated version of the supplement was issued. A true and accurate copy of Institutional Supplement FLM 5321.06I(1) General Population and Step-Down Unit Operations, is provided hereto as Attachment 8.

52. Ordinarily, an inmate must have a minimum of 12 months clear conduct while housed in the ADX's General Population Units before being considered for placement in the Step-Down Unit Program. Due to the very serious nature of the original placement factor, which is frequently complicated by the inmate's criminal history or involvement with criminal organizations, it may be appropriate for some inmates to be deferred from the Step-Down Unit Program for longer periods of time.

53. Inmate Palma-Salazar was placed in the Intermediate Phase (J-Unit) of the Step-Down Unit Program on April 14, 2010. He was placed in the Transitional Phase (K-Unit) of the Step-Down Unit Program on October 22, 2010.

54. I, along with other staff members at the ADX, speak and read Spanish fluently. While I am not currently inmate Palma-Salazar's Unit Manager because he is housed in a Step-Down Unit, if he were experiencing difficulty communicating with staff and a Spanish-speaking translator was needed to ensure inmate Palma-Salazar's needs were being addressed in accordance with Bureau policy and the law, staff ensure such translator is present to communicate with him.

55. Specifically, ADX Staff in Health Services, Special Investigative Services, Correctional Services staff, Unit Management speak Spanish. Therefore, if inmate Palma-Salazar has a problem communicating with Bureau staff, staff ensure a translator

is present to communicate with him to address his needs. In the event a staff member is not available, an inmate translator may be used.

56. Generally, the Bureau reviews the status of inmates in three ways: Classification, Program Review, and a Progress Report. (See Program Statements 5321.07, Unit Management Manual; 5322.12, Inmate Classification and Program Review; 5803.07, Progress Reports).

57. Classification and Program Review refers to the procedure whereby an inmate's case is formally reviewed by the Unit Team. (Program Statement, 5322.12, Inmate Classification and Program Review). These meetings are generally referred to as "team" and the inmate is present. Team meetings give staff and inmates the opportunity to discuss issues in an open format. This is the inmate's opportunity for individual attention and he is encouraged to ask questions and discuss concerns. The inmates are expected to attend. (Id.) At the ADX, the inmates can personally raise questions and concerns about their ADX confinement, including placement in the Step-Down Unit Program ("Program").

58. Classification is the initial team meeting whereby a careful review of the inmate's case and history are discussed and relevant programs are recommended. (Id.) Generally, the initial classification occurs within 4 weeks of an inmate's arrival at his designated institution. (Id.) The purpose of the meeting is to clearly define for the inmate: (1) sentence information, including financial obligations; (2) educational programs; (3) security/custody levels; (4) release plans; and (5) work assignments. These programs reflect the needs of the inmate and are stated in measurable terms. (Id.)