

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

RICHARD REYNOLDS	:	CIVIL NO. 3:13-CV-01465 (SRU)
	:	
v.	:	
	:	
LEO ARNONE, ET AL.	:	SEPTEMBER 25, 2019

**DEFENDANTS' STATUS REPORT**

Pursuant to this Court's Permanent Injunction Order (Doc. #156) (PIO) which requires, in part, "a status report detailing how they have complied with the foregoing," the defendants respectfully submit the Declaration of Warden Mudano which sets forth what detailed steps have been taken in response to the Court's PIO. As part of this status report and incorporated herein, is also the Declaration of Dr. Craig Burns, which outlines the present transition plans for the plaintiff, for when he may be transferred to general population, in the event that the motions for stay pending appeal are denied.

DEFENDANTS  
Leo Arnone, Et Al.

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**CERTIFICATION**

I hereby certify that on September 25, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steven R. Strom  
Steven R. Strom  
Assistant Attorney General

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**DECLARATION OF GIULIANA MUDANO**

I, Giuliana Mudano, hereby declare that:

1. I am over eighteen years of age and believe in the obligation of an oath.
2. I have been employed by the Connecticut Department of Correction, in various capacities, since April, 1999.
3. I began my career as a Counselor Trainee. I have also served as a Counselor, Counselor Supervisor, and Deputy Warden and Warden.
4. I currently serve as the Warden of Northern Correction Institution (hereinafter "NCI").
5. I base this Declaration upon my personal knowledge and years of correctional experience.
6. I have been made aware of the decision issued in this matter that states that the defendants are permanently enjoined from imposing on inmate Reynolds the conditions of more than twenty-one hours per day alone in his cell, segregation from inmates who are not on special circumstances high security status, limitation of recreational activity to a maximum of two hours per day, and no-contact visitation; and that they shall house inmate Reynolds in conditions that are similar to those of inmates Eduardo Santiago and Terry Johnson at the time the Order issued.

7. I am also aware of the Court's Permanent Injunction order which requires a status report detailing how DOC staff have complied with the foregoing, and this Declaration is the defendants' status report in compliance with the court's order.
8. I have attached the present recreation/program schedule with the dates when additional programs and out-of-cell time for Special Circumstances inmates at Northern CI were added. Exhibit A.
9. Friday Skills Building in the gym is new and began 9/6/19.
10. Sunday recreation is new for all 3 time slots and began 9/8/19.
11. An extra ½ hour of recreation was added to second shift recreation and this started 8/28/19.
12. Strength Group is new and has been offered beginning 9/17/19. (No one has been interested in going to this group as of yet, but it is being offered.)
13. This additional programming gives the Special Circumstances inmates 4 and ½ hours per day out of cell time.
14. In addition a number of confidential meetings/phone conferences occurred, including confidential attorney-client meetings and communications, on the following dates: 8/28/19; 8/29/19- 9/4/19; 9/9/19, 9/13/19, 9/18/19, 9/24/19, and 9/25/19.
15. Dr. Burns, the Chief of Psychiatry for the DOC, arranged to have the Northern CI mental health clinician, Eleanor Fritz APRN, PhD, evaluate Mr. Reynolds, to be ready to provide for a safe, durable transition to General Population, if appropriate, for the individuals in custody currently on the status of Special Circumstances.
16. Another goal of the present assessment and transition process is to identify and mitigate risks for custody staff, health services staff, and other general population

inmates who will be in contact Mr. Reynolds, and to identify and reduce risks to Mr. Reynolds himself.

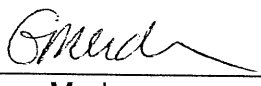
17. We are doing everything we can to be prepared for transitioning inmates with a thoughtful and deliberative process, in light of the court's ruling and order which has caused some confusion, anxiety and disruption of the previous schedules as well as some misunderstandings and expectations on the part of inmates that are classified to Special Circumstances.

18. It is anticipated we will be ready to transition Mr. Reynolds once all of the Court's decisions regarding the stays of the orders have been decided, as it would be extremely upsetting and unreasonable to move Mr. Reynolds out, and then have to move him back again shortly thereafter, in the event that a stay may be granted or denied as the case may be.

Pursuant to Conn. Gen. Stat. §1-24a and 28 U.S.C. §1746, I declare under the pains and penalties of perjury that the foregoing statements are true and accurate to the best of my knowledge and belief.

Date

9/25/19

  
Giuliana Mudano  
Warden

### Special Circumstance Recreation and Program Schedule

Day of the week	Outside Recreation	Strength Group	Skills Building GYM	Day Room & Resource Center 1 <sup>st</sup> Shift	Day Room & Resource Center 2 <sup>nd</sup> shift	
Monday	8am-9am		12:45pm-1:45pm	10:45am-11:45am	6:30pm-8pm	
Tuesday	8am-9am	11:15am-12:15pm		10:45am-11:45am	6:30pm-8pm	
Wednesday	8am-9am		12:45pm-1:45pm	10:45am-11:45am	6:30pm-8pm	
Thursday	8am-9am			10:45am-11:45am	6:30pm-8pm	
Friday	8am-9am		12:45pm-1:45pm	10:45am-11:45am	6:30pm-8pm	
Saturday	8am-9am			10:45am-11:45am	6:30pm-8pm	
Sunday	8am-9am			10:45am-11:45am	6:30pm-8pm	

Friday Skills Building in the gym is new and will begin 9/6/19

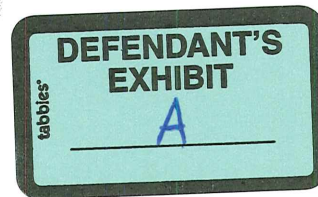
Sunday recreation is new for all 3 time slots and will begin 9/8/19.

An extra ½ hour was added to second shift recreation and started 8/28/19.

Strength Group is new and will begin 9/17/19.

This gives the Special Circumstance 4 and ½ hours per day out of cell time.

9/4/19



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SEPTEMBER 25, 2019

DECLARATION OF CRAIG G. BURNS, MD

The undersigned declarant, pursuant to 28 U.S.C. §1746, under penalty of perjury hereby deposes and says:

1. I am psychiatrist. I am the Chief Mental Health Officer of the Connecticut Department of Correction (DOC). I have served as the Chief of Psychiatric Services for DOC, Assistant Chief of Psychiatrist Services at Garner Correctional Institution in Newtown, Connecticut, and as Principal Psychiatrist, Competency Restoration, at Whiting Forensic Division of Connecticut Valley Hospital. I am Board Certified by the American Board of Psychiatry and Neurology in Psychiatry and Forensic Psychiatry.

2. At the request of the Office of the Attorney General of the State of Connecticut, I directed Eleanor Fritz, APRN, PhD, a mental health clinician at Northern CI to interview Mr. Richard Reynolds.

3. On September 10, 2019, Dr. Fritz conducted the mental health interview of Mr. Reynolds, as part of the assessment/transition project in response to the Court's Permanent Injunction Order (PIO) dated August 27, 2019.



4. It is important to evaluate Mr. Reynolds to be ready to provide for a safe, durable transition to General Population, if appropriate, for the individuals in custody currently on the status of Special Circumstances.

5. It is especially important to get a better understanding of Mr. Reynolds and potential risks related to adjustment, potentially in a general population setting, as Mr. Reynolds had previously declined to be interviewed when I had previously been directed to participate in connection with a previous transition project initiated by then Commissioner Semple in 2016-2017. This was occasioned in part by the provision of Conn. Gen. Stat. §18-10b(b), which required the Commissioner of Correction to establish a reclassification process for inmates that previously were sentenced to death and whose sentences were reduced to life without possibility of release. The statute and the process required includes "an assessment of the risk an inmate described in subsection (a) of this section [ i.e. Mr. Reynolds] poses to staff and other inmates, and an assessment of whether such risk requires the inmate's placement in administrative segregation or protective custody. Conn. Gen. Stat. § 18-10b (b).

6. Another goal of the present assessment and transition process is to identify and mitigate risks for custody staff, health services staff, and other general population inmates who will be in contact Mr. Reynolds, and to identify and reduce risks to Mr. Reynolds himself.

7. Reviews of prior available data from the initial Transition Project interviews (2016-2017) indicate that Mr. Reynolds declined to be interviewed, presumably on advice of one of his attorneys.



8. In my professional opinion it is extremely appropriate for those inmates not interviewed at that time to be interviewed with baseline mental health screening and screening for baseline cognitive function (MMSE or MOCA).

9. Mr. Reynolds has had a lengthy stay within the Connecticut Department of Correction, the majority of which was spent on Death Row, and more recently as a person in custody with the classification of Special Circumstances. During that time, he has been housed at Northern Correctional Institution. With his transition out of Special Circumstances and into General Population, the Department has every desire to provide Mr. Reynolds with a safe, durable transition into General Population. The focus of this transition will be to mitigate risks to Mr. Reynolds, Custody, Health Services, and population in custody who will be in contact with Mr. Reynolds, as a former person in custody on the status of Special Circumstances. There are a number of new environments, potential interactions with others, and opportunities for additional personal growth and development that will be a part of Mr. Reynolds' transition to General Population.

10. Through a collaboration between Health Services and Custody, the Department has devised the following to assist Mr. Reynolds with these new environments and opportunities:

11. On the advice of his attorney, Mr. Reynolds declined to participate in the initial Transition Project interviews, which occurred in 2016. In order to afford him with the same evaluation offered to all of the individuals transitioning to Special Circumstances, the psychiatric provider at Northern Correctional Institution, Eleanor Fritz, APRN, Ph.D., was asked to see and evaluate Mr. Reynolds. This evaluation

was completed on September 10, 2019. The evaluation was intended to identify any elements of vulnerability and/or resilience that should be kept in mind as Mr. Reynolds transitions to General Population.

12. Mr. Reynolds Mental Health Classification Score of 1 (one) remains unchanged.

13. Mr. Reynolds will be offered an "exit interview" in the next several days, providing him with a preview of what to expect as he moves from Northern to the facility that will be receiving him, whenever that will be.

14. The present plan is that Mr. Reynolds will be monitored by Mental Health when he makes the transition, with decreasing frequency for the first six months of his move. These meetings are voluntary and intended to insure a safe, durable transition, and insure that he knows how to access supports.

15. The plan also includes that after six months, Mr. Reynolds will be offered to continue having monthly sessions with a Mental Health staff member to discuss his experience of his transition, terminating a year from his date of transition. He will also be given the opportunity to opt out of any further scheduled meetings with a mental health provider after the first six months. If he chooses the option of opting out of any additional meetings, he will be reminded how to access a Mental Health provider in the way that all General Population persons in custody do.

16. Lastly, the current plan is for Mr. Reynolds to be given three months to select a cell partner from the individuals he will be interacting with at his new location. During those three months, he will be allowed to have a single cell. At the end of those three months, Mr. Reynolds will identify several individuals whom he

believes he can share a cell with. If he cannot choose a cellmate, Mr. Reynolds's Unit Manager will choose a cellmate for him.

17. If at any time, Mr. Reynolds' service needs change, this will be handled in the same manner as all General Population persons in custody.

I declare, pursuant to 28 U.S.C. §1746, under penalty of perjury, that the foregoing declaration is true and accurate.

9/25/19  
Date

Craig G. Burns, MD  
Craig G. Burns, MD