

# **Exhibit B**

## **BOP Records**

## **Exhibit B.1**

### **BOP Record b**

Change Notice 1380.11

CN-1: Special Investigative Supervisors Manual  
(Nov. 30, 2016) (produced 5/19/2020)

[Note: BOP Records a and b are the same record;  
Record b is the later-produced version]



**U.S. Department of Justice**  
Federal Bureau of Prisons

**CHANGE NOTICE**

OPI: CPD/CSB  
NUMBER: 1380.11, CN-1  
DATE: November 30, 2016

(b)(7)(E), (b)(7)(F)

## **Special Investigative Supervisors Manual**

/s/

*Approved:* Thomas R. Kane  
Acting Director, Federal Bureau of Prisons

(b)(7)(E), (b)(7)(F)



**U.S. Department of Justice**  
Federal Bureau of Prisons

**PROGRAM STATEMENT**

OPI CPD/CSB

NUMBER 1380.11

DATE June 2, 2016

(b)(7)(E)

## **Special Investigative Supervisors Manual**

/s/

*Approved:* Thomas R. Kane

Acting Director, Federal Bureau of Prisons

(b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

Freedom of Information Act (FOIA) and public requests for this Program Statement are referred to the Office of General Counsel (OGC), FOIA/Privacy Section. (b)(7)(E) (b)(7)(F)

(b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

### 3. AGENCY ACA ACCREDITATION PROVISIONS

- 4<sup>th</sup> Edition Standards for Adult Correctional Institutions 4-4207, 4-4251, 4-4281-3, 4-4282, 4-4312-1, and 4-4530
- 4<sup>th</sup> Edition Standards for Adult Local Detention Facilities (ALDF) standards 4-ALDF-2A-46, 4-ALDF-2C-06, 4-ALDF-4D-22-2, 4-ALDF-6C-19, and 4-ALDF-7G-01

### REFERENCES

#### *Program Statements*

- P1221.66 Directives Management Manual (7/21/98)
- P1350.01 Criminal Matter Referrals (1/11/96)
- P1351.05 Release of Information (3/9/16)

(b)(7)(E), (b)(7)(F)

- P1434.06 Jurisdiction on Escape Related Issues, Memorandum of Understanding USMS/FBI/BOP (7/25/94)
- P3906.22 Employee Development Manual (4/30/15)
- P5110.13 Polygraph Tests, Administering of (12/15/99)
- P5180.05 Central Inmate Monitoring System (12/31/07)
- P5264.08 Inmate Telephone Regulations (1/24/08)
- P5270.09 Inmate Discipline Program (7/8/11)
- P5290.15 Intake Screening (3/30/09)
- P5324.12 Sexually Abusive Behavior Prevention and Intervention Program (6/4/15)

(b)(7)(E)

(b)(7)(E), (b)(7)(F)

- P5500.14 Correctional Services Procedures Manual (10/19/12)
- P5502.10 Duty Officers (7/10/06)
- P5510.15 Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities (7/17/13)
- P5510.13 Posted Picture File (8/22/11)

(b)(7)(E), (b)(7)(F)

- P5521.06 Searches of Housing Units, Inmates, and Inmate Work Areas (6/4/15)
- P5580.08 Inmate Personal Property (8/22/11)
- P5800.16 Mail Management Manual (4/5/11)

*Other Documents*

- OM 002-2009 Bureau Mandatory Training Standards (1/24/09)

(b)(7)(E), (b)(7)(F)

*BOP Forms*

- BP-A0392 Release Authorization

(b)(7)(E), (b)(7)(F)

- BP-A0656 Inmate Telephone Monitoring Tape Access Log
- BP-A0657 Inmate Telephone Call Monitoring Report
- BP-A0671 Referral of An Inmate Criminal Matter For Investigation
- BP-A0672 Notification by Outside Agencies to BOP Regarding Inmates of Greatest Concern

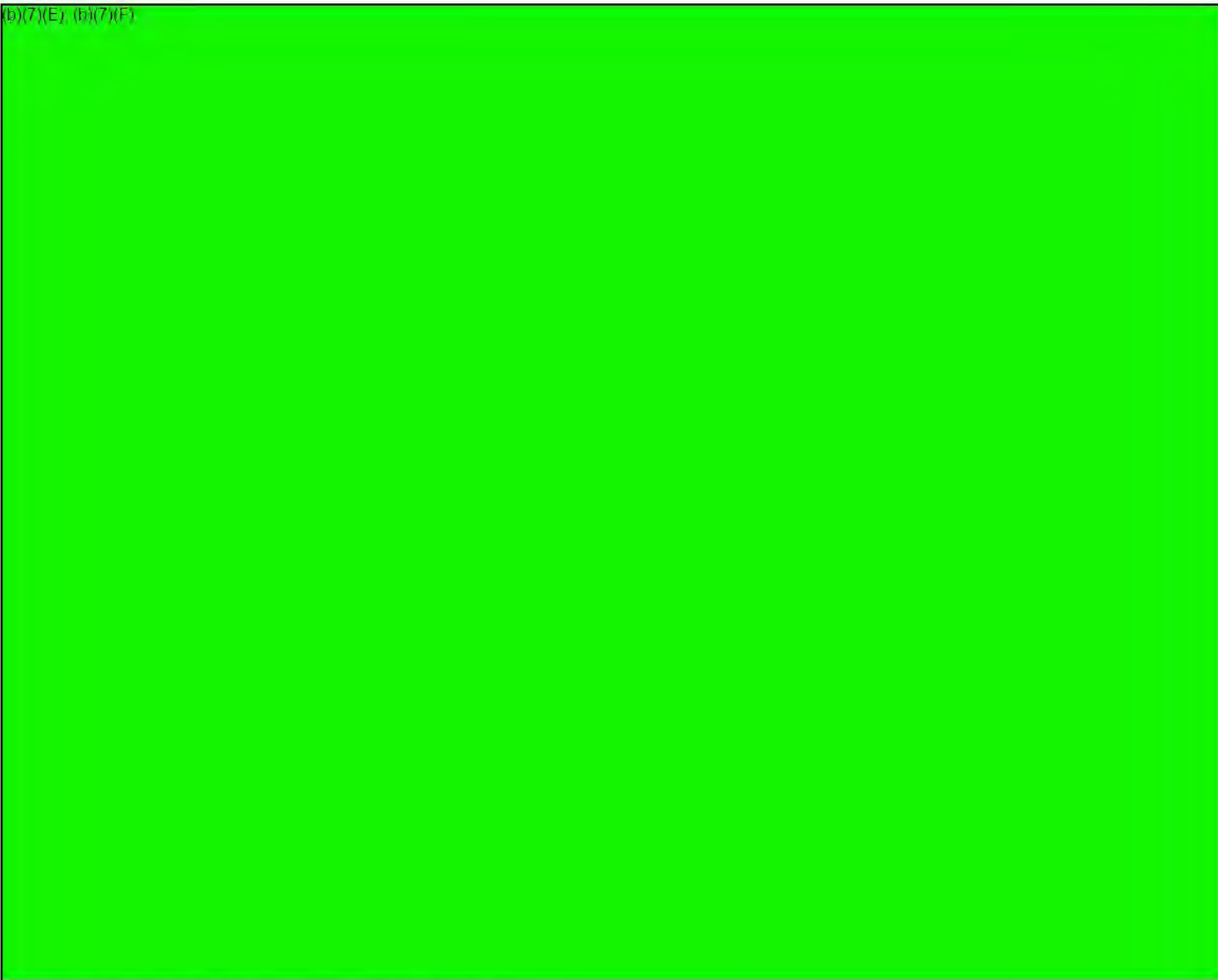
(b)(7)(E), (b)(7)(F)

*Records Retention*

For requirements and retention guidance for records and information that apply to this program, see the Records and Information Disposition Schedule (RIDS) on Sallyport.

(b)(7)(E)

(b)(7)(E), (b)(7)(F)



**Chapter 3. Communication Monitoring**

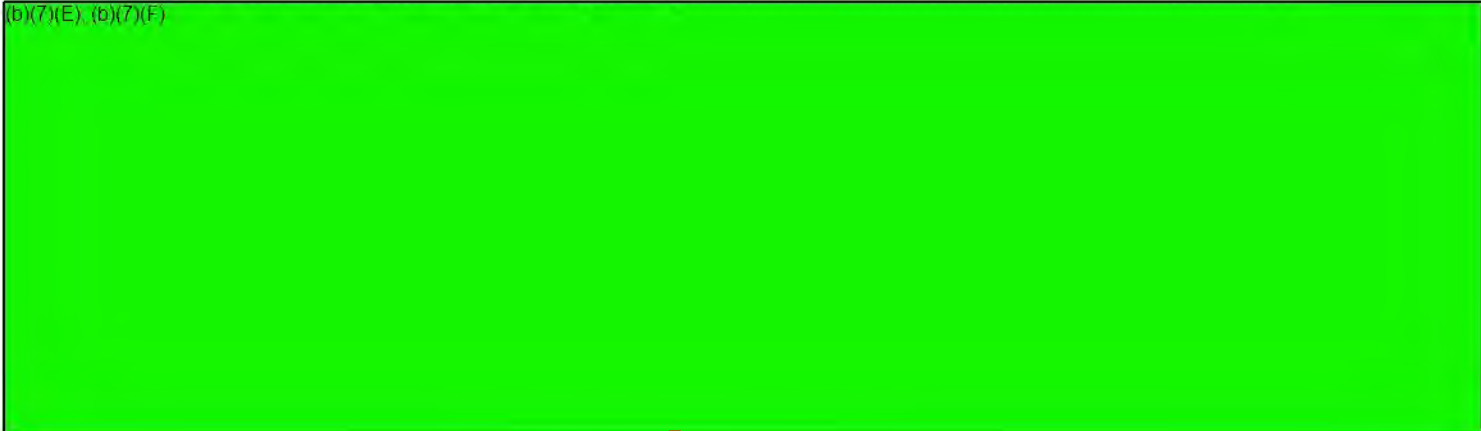
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(b)(7)(E), (b)(7)(F)



(b)(7)(E); (b)(7)(F)

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(b)(7)(E); (b)(7)(F)




(b)(7)(E), (b)(7)(F)



3. SIS staff are authorized to detain non-inmates and make arrests per the Program Statement **Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities.** (b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

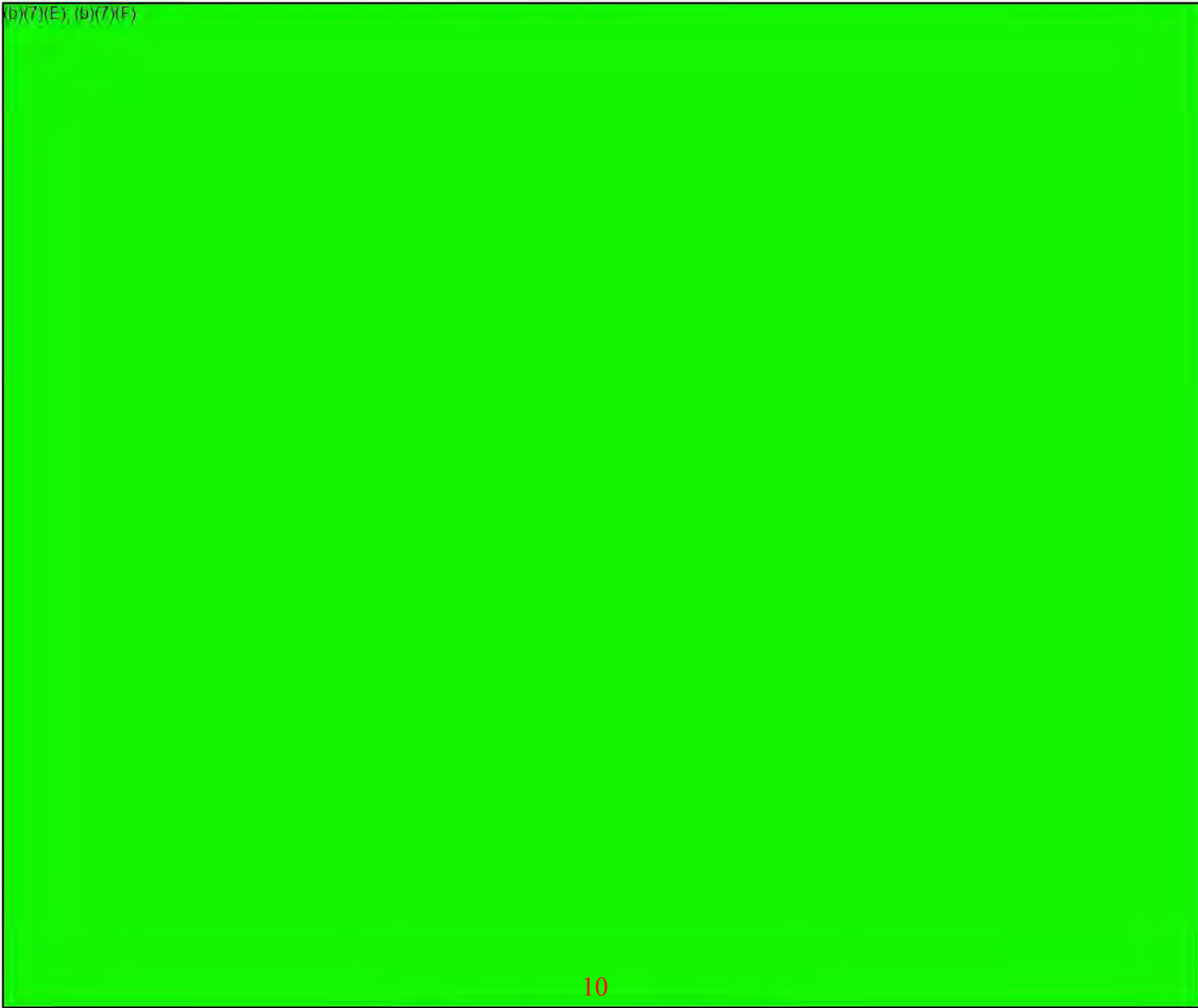


(b)(7)(E), (b)(7)(F)



5. As provided in Section 303, Title 5 U.S.C., the SIS is authorized to administer oaths to witnesses in connection with an official investigation.

(b)(7)(E), (b)(7)(F)



(b)(7)(E); (b)(7)(F)



- Satisfying investigative requirements for administrative hearings at the institution level.

(b)(7)(E); (b)(7)(F)



## Chapter 3. **Communications Monitoring**

### **300. MONITORING INMATE AUTOMATED ACTIVITIES**

Responsibility for monitoring inmates' automated activities (financial, telephone, correspondence) rests with the Intelligence Section. In the institution, the SIS office assumes operational responsibility.

Legal questions concerning monitoring of inmate financial, telephone, and correspondence activities should be directed to the Regional Counsel or designee.

### **301. COMMUNICATION METHODS**

Inmates use telephone calls, written correspondence, video visiting, and electronic messaging to maintain contact with individuals in the community. (b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)



### 303. SPECIAL ADMINISTRATIVE MEASURES (SAM)

Refer to the Office of General Counsel for specific SAM requirements. The governing Federal regulations are:

- 28 CFR 501.2, used in national security cases to prevent the unauthorized disclosure of classified information when the Attorney General determines that disclosure of such information would pose a threat to national security and there is a danger that the inmate will disclose such information.
- 28 CFR 501.3, used to prevent future acts of violence and terrorism when the Attorney General determines that there is a substantial risk that a prisoner's communications or contacts with persons could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons.

(b)(7)(E), (b)(7)(F)



(b)(7)(E), (b)(7)(F)



Appropriately labeled and processed/placed special or legal (attorney-client privileged) communications will not be monitored.

(b)(7)(E), (b)(7)(F)



(b)(7)(E), (b)(7)(F)



#### **403. PROTECTIVE CUSTODY CASES**

A Protective Custody (PC) case is completed when an inmate is placed in administrative detention for protection at his/her request or upon staff determination that the inmate needs protection from a specific inmate(s). If there is a generalized perceived threat against an inmate, a threat assessment is conducted. See the Program Statement **Special Housing Units (SHU)** for specific categories under which staff may consider inmates as potential protection cases.

The situation of inmates in protective custody must be investigated to determine validity or verify the inmate's need for protection.

(b)(7)(E), (b)(7)(F)



(b)(7)(E); (b)(7)(F)

#### 408. INMATE ON INMATE SEXUAL MISCONDUCT

Once an allegation of sexual misconduct is brought to a staff member's attention, it is important to determine if the allegation qualifies as abusive sexual contact or a non-consensual sexual act.

SIS staff will promptly refer inmates reported or suspected of being the victim of sexually abusive behavior by staff or inmates to Psychology Services for assessment of vulnerability and treatment needs, and all inmate allegations of sexual abuse, by a staff member or an inmate, will be handled in a confidential manner by all staff involved in the investigation in accordance with the Program Statement **Sexually Abusive Behavior Prevention and Intervention Program**.

##### 1. Definitions

a. **Abusive Sexual Contact.** Any allegation of contact to sexually exploit an inmate without his/her consent, or of one who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any inmate.

b. **Non-Consensual Sexual Act.** Any allegation of contact of any inmate without his/her consent, or of one who is unable to consent or refuse; contact between the penis and vagina or penis and anus, including penetration, however slight; or contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another by a hand, finger, or other object.

c. **Repetitive Sexual Harassment.** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

d. **Substantiated.** Proven to have occurred.

e. **Unsubstantiated.** Insufficient evidence or conflicting facts, creating the inability to prove that an assault happened or did not happen.

(b)(7)(E); (b)(7)(F)



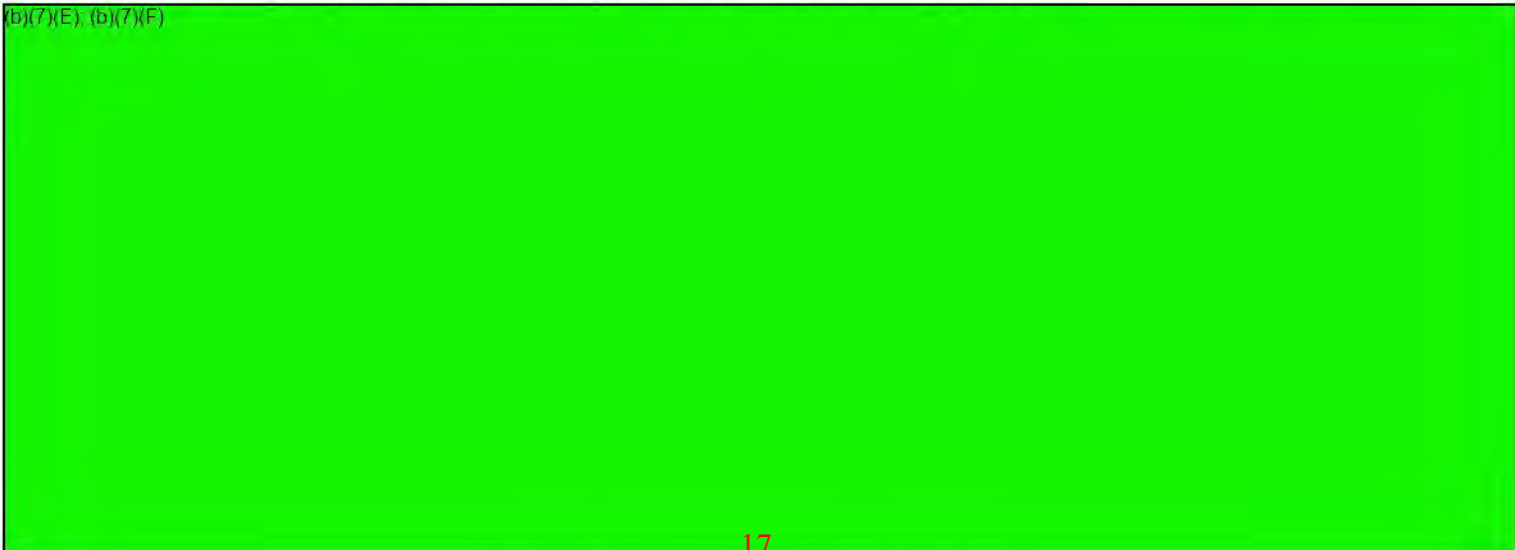
f. **Unfounded.** Proven not to have occurred.

(b)(7)(E), (b)(7)(F)



If an inmate alleges that he/she was assaulted at another facility, the statement is taken with as much detail as possible and forwarded to that facility for investigation.

(b)(7)(E), (b)(7)(F)



(b)(7)(E), (b)(7)(F)

Recorded inmate telephone conversations are normally maintained in the system for 180 days

(b)(7)(E), (b)(7)(F)

Inmates are never authorized to use another inmate's Personal Access Code (PAC) Number, or to give their PAC Number to another inmate.

### **603. ELECTRONIC MESSAGING SYSTEM**

Refer to the Program Statement **Trust Fund Limited Inmate Computer System – Electronic Messaging** for requirements for satisfaction of transactional data requests. (b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

Inmate electronic messages are monitored to ensure inmates are not using coded or encrypted messages, sending messages to continue criminal activity, or sending messages that jeopardize the safety, security, or orderly operation of the institution.

(b)(7)(E), (b)(7)(F)

Electronic messages are normally maintained in the system for 180 days (b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

Rules surrounding rejecting messages or contacts can be found in the Program Statement  
**Correspondence.**

(b)(7)(E), (b)(7)(F)

See the Program Statement **Jurisdiction on Escape Related Issues – Memorandum of Understanding USMS/FBI/BOP** for escape-related referral procedures. In these cases, the investigator also needs a photograph, fingerprint card, visiting record, and escape flyers for the inmate(s). (b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

**3. Liaison Responsibility.** When inmate criminal activities are referred to other law enforcement agencies, the Bureau maintains continuous liaison with these agencies to ensure referrals are considered appropriately. (b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

**4. Acceptance/Declination.** Each U.S. Attorney has an “office policy” or guidelines regarding types of cases to be accepted or declined for prosecution. (b)(7)(E), (b)(7)(F)

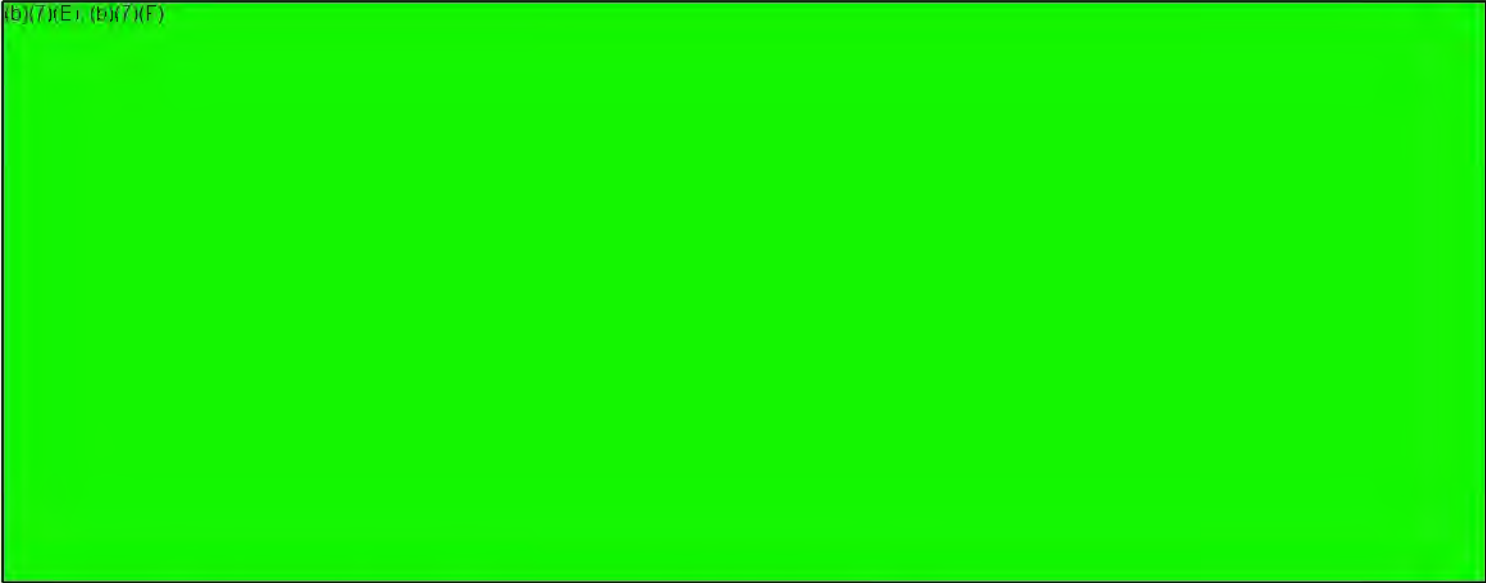
(b)(7)(E), (b)(7)(F)

**5. Release for Administrative Processing.** Per the Program Statement **Inmate Discipline Program**, administrative processing of the incident may proceed “unless there has been a request for such a delay by the prosecuting or investigating agency.” Once the preliminary investigative process is complete to the point that an Incident Report can be processed, the SIS notifies the investigating agency of “intent to proceed” to allow for proper coordination.

If administrative processing must be suspended, the date/time of suspension and release are noted in the system and section 25 of the Incident Report.

(b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)



**705. MONITORING WRITTEN CORRESPONDENCE**

Inmate written correspondence is monitored per the Program Statement **Correspondence**.

(b)(7)(E), (b)(7)(F)



## **Exhibit B.2**

### *BOP Record f*

Email: BOP Agency Attorney to BOP Agency Attorney  
Subject: Go Rounds for Executive Staff Meeting  
(July 28, 2016)

**Re: Go Rounds for Executive Staff Meeting**

**From** (b)(6); (b)(7)(C)  
**To**

**Date** 2016/07/28 15:09

**Subject:** Re: Go Rounds for Executive Staff Meeting

**Attachments:** TEXT.htm

(b)(5)

>>> (b)(6); (b)(7)(C) @bop.gov > 7/28/2016 3:08 PM >>>

(b)(5)

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** (b)(6); (b)(7)(C)

**Sent:** Thursday, July 28, 2016 15:04

**To:** (b)(6); (b)(7)(C)

**Subject:** Re: Go Rounds for Executive Staff Meeting

(b)(5)

(b)(6); (b)(7)(C)

LCI - OGC, HOLC (b)(6); (b)(7)(C)  
Federal Bureau of Prisons

(b)(6); (b)(7)(C)

Fax: (b)(6); (b)(7)(C)

**SENSITIVE/PRIVILEGED COMMUNICATION**

The information contained in this electronic message and any and all accompanying documents constitutes sensitive information. This information is the property of the U.S. Department of Justice.

If you are not the intended recipient of this information, any disclosure, copying, distribution, or the taking of any action in reliance on this information is strictly prohibited. If you received this message in error, please notify us immediately at the above number to make arrangements for its return to us.

>>> (b)(6); (b)(7)(C) 7/28/2016 9:07 AM >>>

The Executive Staff meeting is fast approaching. We need to provide Kathy with suggested "go round" topics. If your topic is selected, you will have to submit talking points and associated materials to the front office. This is an opportunity to submit hot topics to the Executive Staff for their informal feedback and input.

Due to the short turnaround, please provide me with your suggested topic(s) no later than the morning of August 1st. Thanks.

## **Exhibit B.3**

### *BOP Record R1*

DOJ Book (W.D. Wash.)



### 3. Bureau Of Prisons

This section discusses common issues that arise when dealing with the Bureau of Prisons, including how to obtain information relating to inmates, protocols for providing electronic discovery to incarcerated defendants, and how to arrange for proffers of incarcerated witnesses. In this District, BOP houses pre-trial detainees and certain defendants serving limited sentences at the Federal Detention Center in SeaTac, Washington (“FDC SeaTac”). The resident FDC Senior Attorney is a good resource for BOP issues not addressed in this Manual, and welcomes your questions.

- A. [Obtaining Inmate Communications](#)
- B. [Avoiding Inmate Attorney Client Communications](#)
- C. [Obtaining Other BOP Records](#)
- D. [Inmates and Electronic Discovery](#)
- E. [Requesting Separation of Inmates](#)
- F. [Proffers of Inmates](#)
- G. [Resources](#)

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#### A. Obtaining Inmate Communications

Inmates at the FDC may make telephone calls and send and receive electronic mail. With the exception of calls made on specially-designated legal telephones, BOP monitors and records inmate calls and emails. The recorded communications, as well as the attendant transactional data associated with these communications, may be obtained from the BOP for use in criminal investigations and prosecutions. The legal analysis supporting such disclosures is set forth in the Department of Justice 2014 Memorandum entitled, “[Electronic Surveillance Procedures within the Federal Prison System.](#)” Department of Justice policies, however, prescribe the use of different processes depending upon the type of data sought.

1. [Transactional Data](#): In the course of routine monitoring of its inmates, BOP collects data pertaining to all the telephone numbers called or email addresses contacted, the dates any calls or email communications took place, the list of visitors, and the amount of money placed on the inmate’s books and the source of the funds. The only process required to obtain these records is the submission of the BOP standard “[Request for Inmate Transactional Data](#)” form to the Special Investigative Services (SIS) Department email address: [\(b\)\(7\)\(E\); \(b\)\(7\)\(F\)@bop.gov](mailto:(b)(7)(E); (b)(7)(F)@bop.gov).
2. [Recorded Telephone Calls](#): In this District, copies of recorded telephone calls made by inmates are generally obtained pursuant to a grand jury [subpoena](#) (pre-indictment) or a trial subpoena (post-indictment) directed to the FDC. Please note that the subpoena cannot be prospective, and must include a

definitive date range for the calls sought. As with the Request for Transactional Data, subpoenas may be served via the Special Investigative Services (SIS) Department at [b)(7)(E); (b)(7)(F)]@bop.gov.

[b)(5)]

[b)(5)] If a trial subpoena becomes a concern, the 2014 DOJ memo provides that the preferred method to obtain inmate calls is the use of a letter request (“[US Attorney Letter Request for Jail Calls](#)”) endorsed by the United States Attorney.

3. **Email Communications:** [b)(5)]

[b)(5)]

[b)(5)] As a matter of BOP policy, inmate emails are retained for a minimum of 6 months. [b)(5)]

[b)(5)] As with other process, submit the email letter requests to the Special Investigative Services (SIS) Department at [b)(7)(E); (b)(7)(F)]@bop.gov.

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## B. Avoiding Inmate Attorney Client Communications

BOP expressly notifies inmates that it monitors general telephone and email communications and, therefore, communications with counsel should not occur through such means. [b)(5)]

[b)(5)]

### C. Obtaining Other BOP Records

The BOP maintains a variety of other records pertaining to inmates that may be relevant to an investigation or in the course of litigation. Available records include the following:

Inmate Central File

Inmate Medical File

Psychology Records

Visiting Records

Discipline Records

Financial records, i.e. records relating to monetary deposits on an inmate's books.

For standard "transactional records" pertaining to an inmate, i.e. telephone numbers called, the visitor lists, email communications, and financial deposit records, the [Request for Inmate Transactional Data Form](#) should be used to seek such records. Otherwise, consult with the FDC Senior Attorney to determine the best means of obtaining the information.

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### D. Inmates and Electronic Discovery

Defense counsel can provide their detained clients with personal copies of electronic discovery for review at the FDC. If the discovery is not under a protective order, FDC SeaTac permits inmates to keep the media that contains such discovery with his or her personal belongings so that he or she can review the material at any time with the electronic discovery computers that are available in the housing units or in the Law Library.

If discovery is under a protective order, and the court permits inmate access to such discovery without the presence of counsel, the defense must send the electronic media directly to the FDC's Educational Department. The FDC will then maintain the protected discovery in its Law Library and the inmate can access the discovery only during his or her Law Library time (usually 3 hours per week). (b)(5)

(b)(5)

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### E. Requesting Separation of Inmates

Inmates who are cooperating with law enforcement may need to be separated from the targets of their cooperation if they are detained in the same facility. For FDC SeaTac, address separation requests to the Case Management Coordinator at (b)(7)(E); (b)(7)(F)@bop.gov. The separation request should identify the individuals to be kept separate and specify facts justifying the separation. If BOP grants the request, the relevant individuals will be housed in


separate units, not permitted in the common areas at the same time, and will be transported to court in separate transports.

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## **F. Proffers of Inmates**

Generally, proffers of inmates take place in the common visitation area of FDC SeaTac where interview rooms are available. If, however, the safety and security of the inmate will be compromised by conducting a proffer session at the FDC, the AUSA can request that an

(b)(5); (b)(7)(F)



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## **G. Resources**

1. Forms
  - [Request for Inmate Transactional Data](#)
  - [Letter Request for Contents of Email Communications](#)
  - [Subpoena for Telephone Calls](#)
  - [US Attorney Letter for Jail Calls](#)
2. Department of Justice Policies
  - [Electronic Surveillance Procedures within the Federal Prison System](#)
  - [Prisoner E-Mail Accounts](#)

*updated 6/14/2018*

## **Exhibit B.4**

W.D. Wash. Presentation  
Obtaining Records, Information, and Assistance  
(undated)

# Federal Bureau of Prisons

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Federal Detention Center  
SeaTac, Washington

Obtaining Records, Information, and Assistance



## FDC SeaTac

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- Administrative Mission
- Pre-trial Inmates
  - Who has legal custody?
  - Exception



## Mental Competency Evaluations at FDC

### 18 U.S.C. §§ 4241, 4242, 4244

- Court order(s)
- Appropriate Designation
  - No risk assessments (Medical Centers only)
- Time frames
  - §§ 4241, 4244 (up to 30 - 45 days)
  - § 4242 (up to 45 - 75 days)
  - 2 additional weeks for report
- Sample Proposed Orders

## EDiscovery

- Inmates may receive CD/DVDs containing discovery material
  - Ediscovery must be mailed to inmate pursuant to the Inmate Legal Mail procedures
  - Attorneys must complete Discovery Material Authorization Form
  - Inmate must sign form acknowledging receipt
- Protected Ediscovery
  - Contact FDC Legal before sending protected Ediscovery to an inmate to arrange for appropriate production and inmate access

## Inmate Telephone Calls

- Monitored
  - Can have up to 30 numbers on Telephone List
- Unmonitored
  - General Population (GP) inmates have access to CJA phone
  - Can make a request through Unit Team
- SHU Inmates
  - Unlimited legal calls
    - Need to make request through Unit Team
  - Social calls
    - Once every 30 days

## Separation Requests

- Written Request
  - Be specific
  - Include Inmate Name and Register Number or other Identifying Information
- Effective for all inmate movement
- To make request, contact:
  - USMS
  - (b)(6); (b)(7)(C) FDC SeaTac CMC
    - (b)(6); (b)(7)(C) @bop.gov
    - (b)(6); (b)(7)(C)



## Medical Issues

### If you receive a complaint:

- Call or email FDC
  - Have Inmate name and Register Number on hand

(b)(5)

## Medical Issues

### How to Obtain Medical Records

- AUSA
  - Law Enforcement request for records
- Defense Counsel
  - Inmate/Client request
  - FOIA
  - Request through prosecuting AUSA
  - Subpoena (Touhy)
  - Court Order (last resort)

## Medical Issues

If you receive a Defense Motion or a Court Order:

- Call FDC Legal

(b)(5)

## BOP / FDC Records

Include:

- Inmate Central File
- Inmate Medical File
- Psychology Records
- Visiting Records
- Telephone Calls
- Electronic Messages
- U.S. Mail (rarely)
- Quarters Records
- Discipline Records

## How To Request BOP / FDC Records

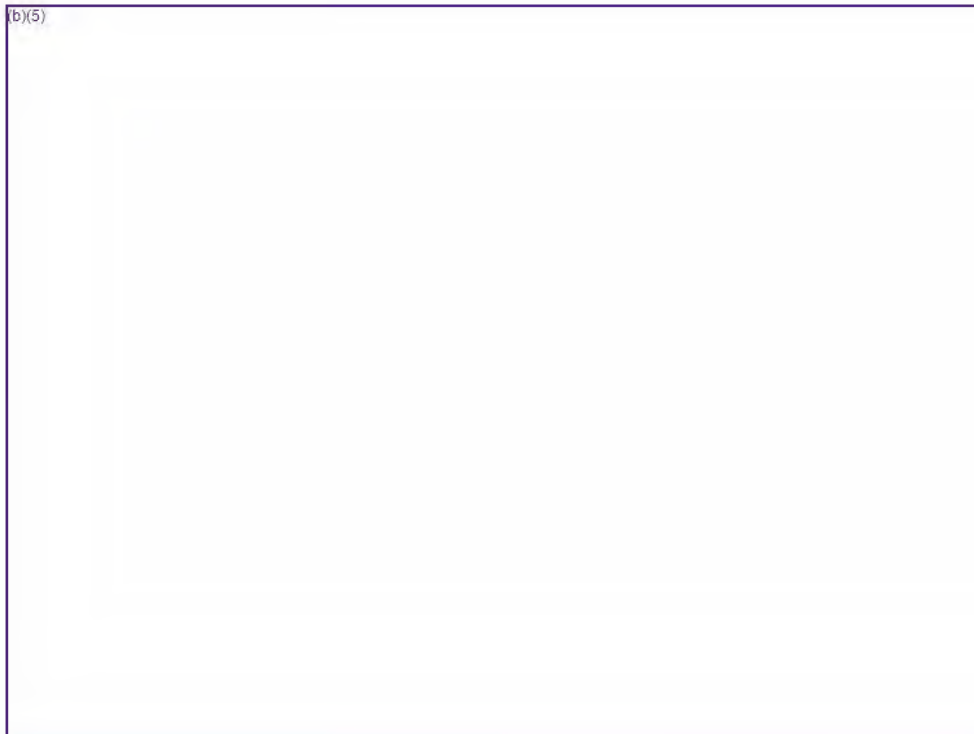
- Law Enforcement Request for Records
  - letter on official letterhead
  - use this format for all BOP records except copies of recorded inmate telephone calls
- Subpoena
  - required only when requesting copies of recorded inmate telephone calls
  - do not subpoena electronic messages
- FDC is no longer using Request for Transactional Data Form

## How To Request BOP/FDC Records

- Direct to FDC SeaTac Custodian of Records
- Include Inmate name, Register Number, and Case Name and Number
- Include AUSA/Agent Name and Contact Information
- Email request and/or subpoena to SIS Department at (b)(7)(E); (b)(7)(F) [bop@wa.gov](mailto:bop@wa.gov)

### REMEMBER:

- When issuing a subpoena for copies of recorded inmate telephone calls: the start/end date of calls (cannot be prospective), and include phone numbers (if applicable for request or exclusion)



## Contact Information

FDC SeaTac  
2425 S. 200<sup>th</sup> Street  
SeaTac, WA 98198  
(206) 870-5700

(b)(6); (b)(7)(C)



**REFER PAGETO BOP**

Inmates must accept this acknowledgement every time they login to the system.

**TRULINCS and ELECTRONIC MESSAGING: WARNING / RESPONSIBILITY / ACKNOWLEDGMENT**

**WARNING:** This computer system is the property of the United States Department of Justice. The Department may monitor any activity on the system and search and retrieve any information stored within the system. By accessing and using this computer, I am consenting to such monitoring and information retrieval for law enforcement and other purposes. I have no expectation of privacy as to any communication on or information stored within the system.

**RESPONSIBILITY:** I must abide by all terms prescribed in Bureau of Prisons' policy regarding my use of TRULINCS and electronic messaging systems, which I acknowledge having read and understood. I understand and consent to having my electronic messages and system activity monitored, read, and retained by authorized personnel. I understand and consent that this provision applies to electronic messages both to and from my attorney or other legal representative, and that such electronic messages will not be treated as privileged communications, and that I have alternative methods of conducting privileged legal communication. I will not share passwords and will log off the system when leaving the TRULINCS terminal. I am only authorized to use the TRULINCS and electronic messaging systems to communicate with those persons on my authorized contact list: check account balances; complete forms; access the electronic law library; and other TRULINCS functions.

**My use of TRULINCS in violation of the procedures may result in inmate disciplinary action and/or criminal prosecution. Any grievance I may have related to the TRULINCS program may be raised through the Bureau's Administrative Remedy Program.**

**ACKNOWLEDGMENT:** By accessing the program, I understand and agree to all the above provisions and consent to have the Bureau withdraw all required program fees directly from my deposit fund account.

My participation in the electronic messaging program is voluntary and I may decline participation, or withdraw at anytime, without penalty or cost, except as provided in the procedures related to fees which may have already been collected from me. In the absence of electronic messaging program participation, I may still maintain contact with persons in the community through written correspondence, telephone, and visiting, as provided in those relevant Bureau policies.

The Warden may discontinue my participation in the electronic messaging program, or reject incoming/outgoing messages, whenever it is determined that my participation violates the procedures or otherwise jeopardizes the safety, security, or good order of the institution, or protection of the public. Additionally, my participation may be limited or discontinued at anytime due to program unavailability resulting from system maintenance, modification, SHU assignment or other reason unrelated to my participation conduct.

**I ACCEPT**

**I DO NOT ACCEPT**

Contacts are notified in their invitation to communicate.

**From:** <info@corrections.com>  
**To:**  
**Date:** 5/21/2020 10:31 AM  
**Subject:** Inmate

This is a system generated message informing you that the above-named person is a federal prisoner who seeks to add you to his/her contact list for exchanging electronic messages. There is no message from the prisoner at this time.

You can **ACCEPT** the prisoner's request or **BLOCK** the individual or all federal prisoners from contacting you via electronic messaging at [www.corrections.com](http://www.corrections.com). To register with Corrections, you must scan the email address that received this notice along with the following identification code: 50271284.

The registration code will expire in 10 days.

By approving electronic correspondence with federal prisoners you consent to have the Bureau of Prisons store monitor the contents of all electronic messages exchanged.

Once you have registered with Corrections and approved the prisoner for correspondence the prisoner will be notified electronically.

For additional information related to this program, please visit the [http://www.bop.gov/inmate\\_programs/trulincs\\_faq.asp](http://www.bop.gov/inmate_programs/trulincs_faq.asp) page.

Este es un mensaje generado por el sistema que le informa que la persona mencionada es un preso federal que pretende añadir a usted a su lista de contactos para intercambiar mensajes electrónicos. No hay mensajes de correo en este momento.

Usted puede **ACEPTAR** esta petición del preso o **BLOQUEAR** a esta persona o a todos los presos federales de contactarlo a través de la mensajería electrónica en [www.corrections.com](http://www.corrections.com). Para inscribirse en Corrections debe introducir la dirección de correo electrónico que recibió este mensaje junto con el siguiente código de identificación: 50271284.

Este código de identificación expirará en 10 días.

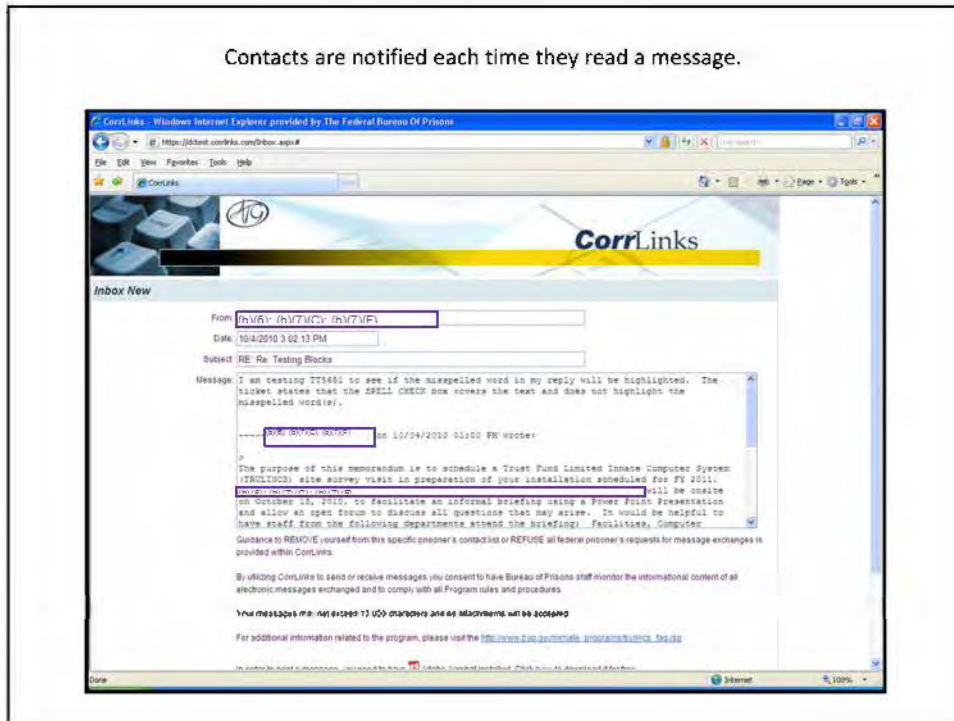
Al aprobar la correspondencia electrónica con presos federales usted acepta el consentimiento a que la persona de la Oficina de Prisiones supervise el contenido informativo de todos los mensajes electrónicos intercambiados y cumpla con todas las reglas y procedimientos del Programa.

Una vez registrado en Corrections y aprobado para la correspondencia el preso será notificado por vía electrónica.

Para obtener información adicional relacionada con este programa, por favor visite la página de programas [trulincs\\_faq.asp](http://www.bop.gov/inmate_programs/trulincs_faq.asp).

REFER TO BOP

Contacts are notified each time they read a message.

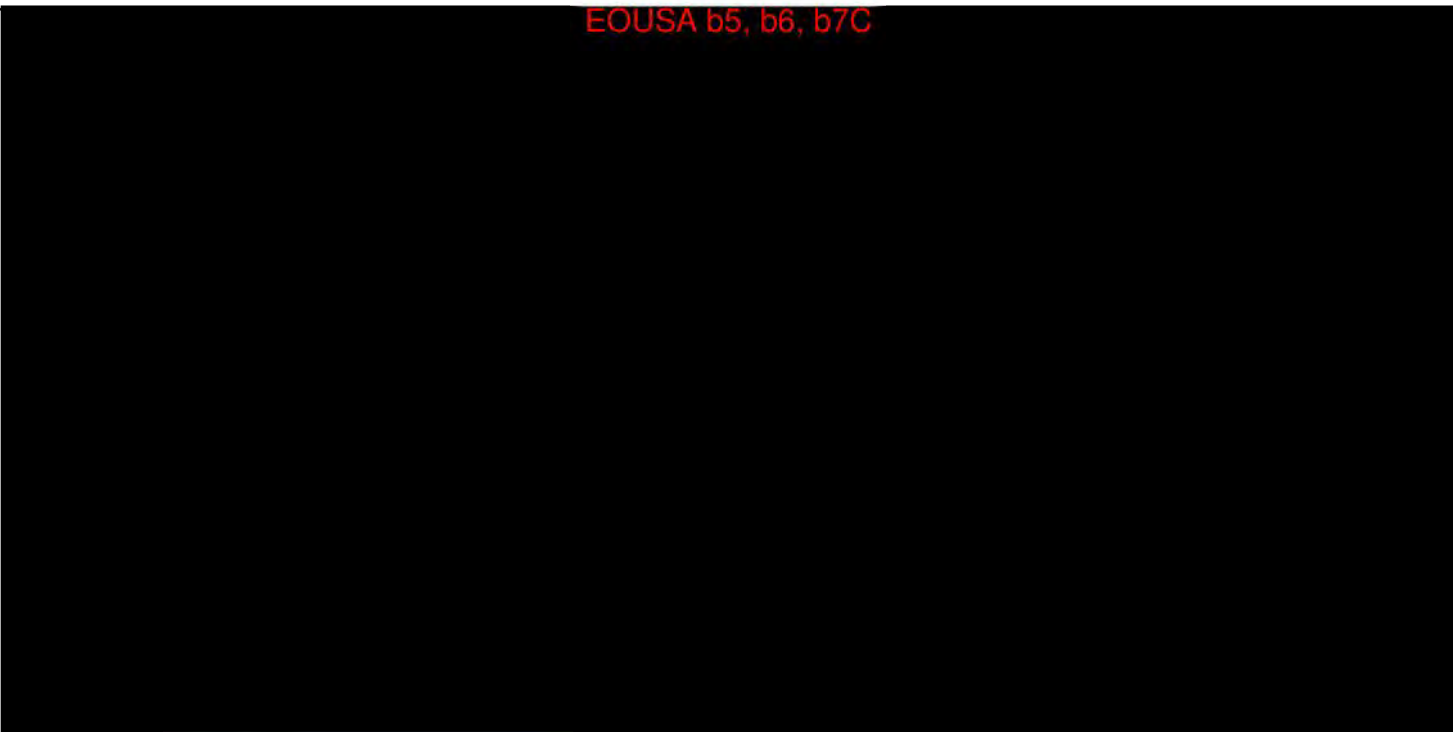


## **Exhibit B.5**

Email

Subject: USAO Slideshow Presentation  
(date redacted)

EOUSA b5, b6, b7C



**From:** (b)(6); (b)(7)(C) @bop.gov]  
**Sen** 14 9:34 AM  
**To:** EOUSA b5, b7C  
**Subject:** USAO slideshow presentation

REFER TO BOP

Dear Ms. EOUSA b5, b6, b7C

Here is my slideshow presentation for Wednesday. Let me know if you also need me to bring a CD copy of the presentation with me. Thanks again for the opportunity to meet you and your attorneys. See you soon.

(b)(6); (b)(7)(C)

Federal Detention Center SeaTac  
2425 S. 200th Street  
SeaTac, WA  
tel: (b)(6); (b)(7)(C)  
fax:

**SENSITIVE/PRIVILEGED COMMUNICATION**

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REFER TO BOP

for its return to us.

## **Exhibit B.6**

Email

Subject: FDC Changes in EDiscovery  
Distribution and Information Regarding  
FDC SeaTac Pretrial Inmate Computers  
(date unknown)

**From:** [REDACTED] ro [mailto:(b)(6);(b)(7)(C)@bop.gov]

**REFER TO BOP**

**To:** [REDACTED]

**Subject:** FDC Changes in EDiscovery Distribution and Information Regarding FDC SeaTac Pretrial Inmate Computers

Dear Ms. [REDACTED]

I wanted to let you know that I, and FDC staff, are now implementing the changes to how ediscovery is being processed at the institution. I have communicated the changes with the Federal Public Defender's Office and the CJA panel attorneys, and they are receptive to the changes. Your office will not be greatly affected by the changes, unless the defendant is pro-se or the ediscovery is subject to a protective order. Here is a summary of how ediscovery will now be processed at FDC:

All attorneys sending in ediscovery will need to complete the top portion of the Discovery Material Authorization Form (attached). Typically, the defense attorneys will be completing this form, but in situations where the inmate is pro-se (and does not have stand-by counsel), the AUSA will be the individual completing the form. The form must contain the inmate's name

REFER TO BOP

and register number, the number of CD/DVDs, the federal case number, and the attorney's contact information. The attorney then must sign a certification indicating that the items contained in the package consist solely of the ediscovery material and the media consists solely of discovery material relating to the inmate/client's federal case. The legal mail/ediscovery package requirements are listed on the second page of the Discovery Material Authorization Form. The package will be processed as legal mail if the package requirements are met. Once the inmate receives the legal mail/ediscovery, he or she will need to sign the Acknowledgment of Receipt of Property portion of the Discovery Authorization Form. The inmate will receive a copy of the form and another copy will be maintained in the inmate's FDC file.

If the ediscovery is subject to a protective order, I am requesting that the AUSA and/or defense counsel call me to arrange for distribution of the ediscovery pursuant to the protective order.

I would also note that because this is a correctional environment, certain material is not suitable for a housing unit, including, another individual's social security numbers or identifying information, violent images, and/or sexually explicit images and nudity. (b)(5)

(b)(5)

Lastly, I am providing the following information about the pretrial inmates' computers for ediscovery use.

**All** the Pretrial Inmate Discovery Computers have the following programs:

- Hawk Player
- Abode Acrobat 9
- Microsoft Word Viewer
- Microsoft Excel Viewer
- Microsoft PowerPoint Viewer
- FTR Player
- WIN DVD
- Nero Video Player
- Nero Photo Player
- Quicktime 7
- VLC Media Player
- Quickview Plus 12

I have attached a copy of the supported file formats that Quickview Plus 12 support. Programs other than the ones listed will not be able to be viewed at the FDC.

REFER TO BOP

All pretrial housing units have one Inmate Discovery Computer. The Education Department has two Inmate Discovery Computers, but the Education Department often "shares" one of their Inmate Discovery Computers with SHU. I would also note that the Inmate Discovery computers in the Education Department allow the inmates to view executable files that are installed on the discs. That being stated, zip files cannot be opened by inmates.

I know this is a lot of information, but I wanted to provide it to you as soon as possible and before the training should questions begin to arise. Thank you again for welcoming me to the Seattle legal community. I look forward to meeting everyone at the training. Call me if you need assistance with this or other FDC matters.

(b)(6); (b)(7)(C)

Federal Detention Center SeaTac  
2425 S. 200th Street  
SeaTac, WA

tel: (b)(6); (b)(7)(C)  
fax: [redacted]

**SENSITIVE/PRIVILEGED COMMUNICATION**

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If you are not the intended recipient of this information, any disclosure, copying, distribution, or the taking of any action in reliance on this information is strictly prohibited. If you received this message in error, please notify us immediately at the above number to make arrangements for its return to us.

## **Exhibit B.7**

Change Order  
Bureau of Prisons TRUFACS Project  
(Oct. 10, 2014)

## Change Order

<b>Bureau of Prisons TRUFACS Project</b>	<b>Change Control Number: 48800</b>
<b>Requested by:</b>	<b>Date of Request: 10/10/2014</b>
<b>Name:</b> (b)(6); (b)(7)(C)	<b>Organization:</b> (b)(6); (b)(7)(C)
<b>Phone #:</b> (b)(6); (b)(7)(C)	<b>E-mail address:</b> (b)(6); (b)(7)(C)

**Description of:****System:** TRULINCS

**Issue:** Create a new message search screen called "Legal/LEO Message Search". This screen should not display messages to/from the selected active contact email addresses. Also, add a UDM/nag message to the "Save/Print All" button before the PDF is displayed.

**Change requirement:** Create a new message search screen to only display messages to/from email addresses that are not selected.

**Needs justification:** BOP Requirement to allow the user to exclude messages from certain email contacts.

**Actions required:**

- 1) Create a new message search screen called "Legal/LEO Message Search" for staff. This screen will exclude the messages to/from the selected contact email addresses.
- 2) Search criteria on this screen will include the following:
  - Facility
  - Institution
  - Inmate Reg#
  - Start Date/Time
  - End Date/Time
  - Subject Lookup
  - Email address
  - List of Email addresses to hide
  - Status
  - Messages - Incoming/ Outgoing/ Draft/ All/ Include Drafts/Include Staff
- 3) In case the user selects "Email Address" criteria, "List of email addresses to hide" will not be available and vice versa.
- 4) The "List of email addresses to hide" will list all email addresses associated with the inmate by default. The users will have the option to restrict the display to only the active emails. Users will be able to select multiple email addresses to hide from their search.
- 5) A new user defined nag message will be displayed when the "Save/Print All" button is selected.
- 6) New Database procedures to support the above.
- 7) Design test cases.
- 8) Execute tests and verify results.
- 9) Update documentation.

**Results expected:** New message search screen to only display messages to/from email addresses that are not selected.

**Impact assessment:**

**Functional Elements:** Code and database changes as above.

**Master timeline schedule:** None

**Master cost schedule \*:** See below

**Impacts Security:** No

**Affected Systems:** TRULINCS

**Adjustment Schedule:**

**Expected Impact on Existing Data:** None.

Sensitive But Unclassified

<b>Bureau of Prisons TRUFACS Project</b>	<b>Change Control Number: 48800</b>
<b>Separate Rollout Required:</b>	No

Resource Requirements	Hours	Additional Cost	Target Date
Development	64	17369.44	December 2014
Deployment	8		
Quality Assurance	16		

**Approved by:**

<input type="text" value="(b)(6); (b)(7)(C)"/>	10/14/2014
<b>ATG Project Manager</b>	<b>Date</b>
<input type="text" value="(b)(6); (b)(7)(C)"/>	10/27/2014
<b>Bureau of Prisons Project Manager</b>	<b>Date</b>
<input type="text" value="(b)(6); (b)(7)(C)"/>	1/2/2015
<b>COR Project Manager</b>	<b>Date</b>

---

**Additional approval\*:**

<input type="text" value="Billing, FMS Project Manager"/>	<b>Date</b>
<input type="text" value="Bureau of Prisons, Trust Fund Chief"/>	<b>Date</b>

**Rollout Information:**

**Production Rollout Date:** 12/08/2014

**Expedited Rollout Justification:**

**Resolution:** This ticket was resolved as part of the production rollout TRULINCS 15-003 with no issues noted.

VERIFIED

Sensitive But Unclassified



## **Exhibit B.8**

Email

Subject: [redacted]

(Mar. 20, 2020)

EOUSA b5, b6, b7C

> On Mar 20, 2020, at 5:47 PM, [REDACTED]@bop.gov> wrote:

Refer to BOP

> EOUSA b6.  
> b7C

> Requests 1. & 2. are no problem, I have obtained the Warden's approval  
> and notified our SIS Department to implement these two requests  
> immediately.

> Unfortunately, FDC SeaTac cannot comply with Request 3. [REDACTED]

> [REDACTED]

> Please let me know if you need anything else regarding this matter.

> [REDACTED]

> U.S. Department of Justice  
> Federal Bureau of Prisons  
> FDC SeaTac Consolidated Legal Center  
> Direct: [REDACTED]  
> E-mail: [REDACTED]@usdoj.gov

EOUSA b5, b6, b7C

## **Exhibit B.9**

### *BOP Record R2*

MDC-LA Powerpoint  
Obtaining Records and Information  
(undated)

# Federal Bureau of Prisons

---

Metropolitan Detention Center  
Los Angeles, California

Obtaining Records and Information



# MDCLA

---

- Administrative Mission
- Pre-trial Inmates
  - Who has legal custody?
  - Exception



# Competency Evaluations

---

## 18 U.S.C. §§ 4241, 4242, 4244

- Court order(s)
- Time frames

**Call us, we have samples!**

# Visiting Procedures

- Social Visits for GP Inmates
  - Conducted in visiting room
  - Exception: Televisiting for disruptive inmates
    - Monitored via video
- Legal Visits for GP Inmates
  - Conducted in private rooms within visiting room
- SHU Inmates
  - Televisiting
  - No-contact room

# Proffers

---

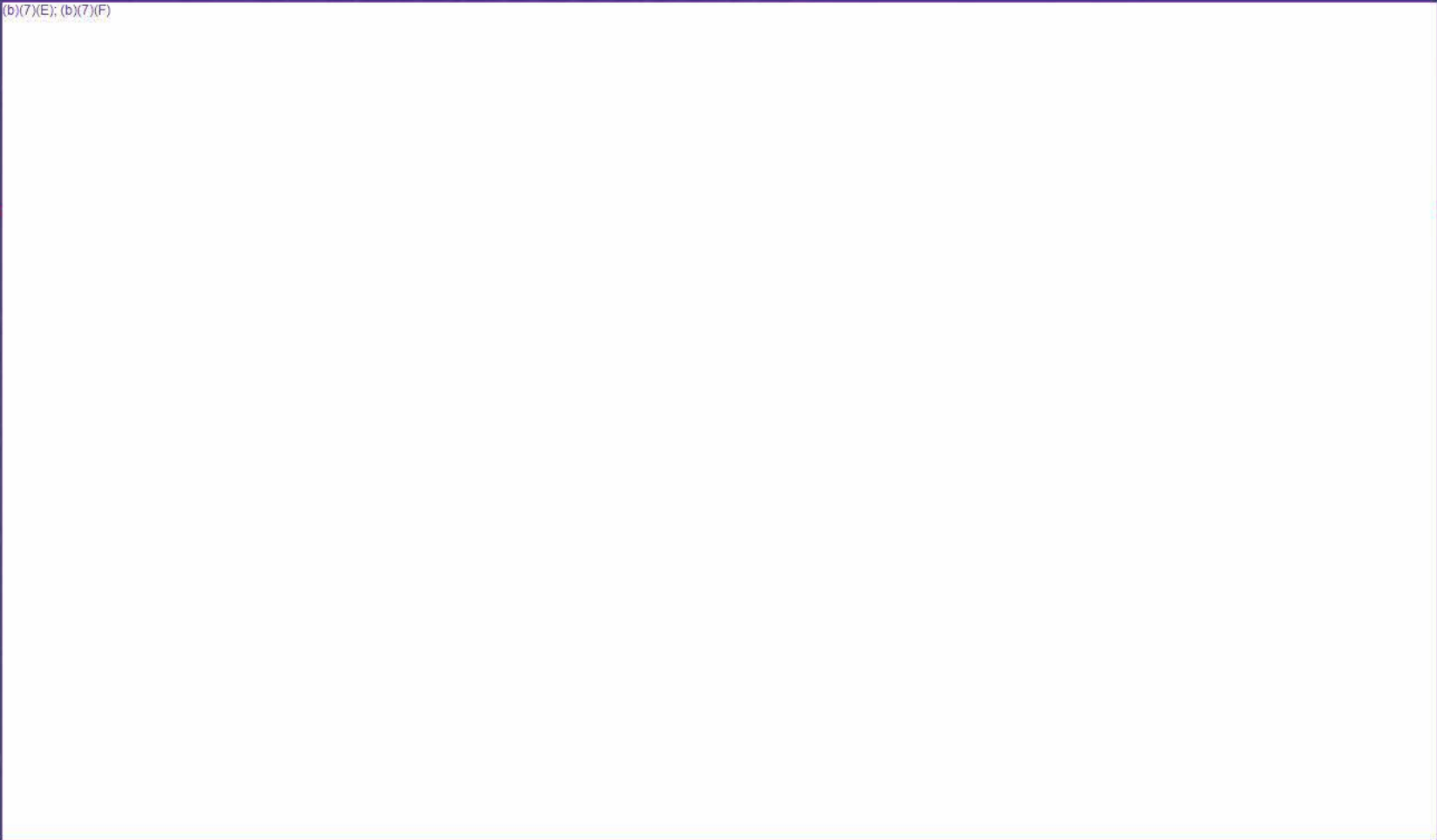
- Requirements for Request
  - ✓ Name, Register Number of Inmate
  - ✓ Meeting Participants
  - ✓ Date, Time, Length of Meeting
- Limitations




# Inmate Telephone Calls

- Monitored
- Unmonitored
  - GP inmates have access to FPD phone
  - Can make a request through Unit Team
- SHU Inmates
  - Unlimited legal calls
    - Need to make request
  - Social calls
    - What is the inmate's classification?

(b)(7)(E); (b)(7)(F)



(b)(6); (b)(7)(C)



# Separation Requests

- Written Request
  - Be specific
  - Include Inmate Name and Register Number or other Identifying Information
- Effective for all inmate movement
- To make request, contact:
  - USMS

(b)(6); (b)(7)(C)

# MEDICAL ISSUES:

---

- Complaints about medical care
- Medical records
- Contractors, scheduling
- Responses to Ex Parte Applications
- Court appearances

# MEDICAL ISSUES: Attempts at Resolution

(b)(5)

- (Formal) administrative remedies? Sick call?
- Non-public information

## MDC receives complaint:


- Same responses

(b)(5)

# MEDICAL ISSUES: Medical Records

## Dental, Medical, Mental Health

- AUSA:
  - Law-enforcement request
- Defense Counsel:
  - Inmate request
  - FOIA
  - Request through AUSA
  - Subpoena (*Touhy*)
  - Court Order (last resort)



(Telling us why,  
not just what you  
need helps us  
help you.)

# MEDICAL ISSUES: Contractors

- Inmates are referred to outside providers for many procedures

(b)(7)(F)

- Providers dictate their own availability
- Safety and security reasons prohibit sharing exact outside appointment dates
- BOP HAS NO LEGAL AUTHORITY OVER PROVIDERS

# MEDICAL ISSUES:

## Ex Parte Applications/Court Orders

---

- Call BOP!
- Appropriate response



# MEDICAL ISSUES: Court Appearances

(b)(5)



# Document Requests: What documents exist?

## BOP & Inmate Records

- Paper
- Electronic

## Inmate Communication with the Outside World:

- Visiting
- Telephone Calls (previous 6 months)
- TRULINCS (previous 6 months)
- U.S. Mail (rarely)

## Retention

# Document Requests: What can you request by letter?

---

- Almost all BOP records
- Inmate records
  - Administrative
  - Medical / Dental / Mental Health
  - Electronic Messaging

Subpoena is required only when requesting copies of recorded inmate telephone calls

# Document Requests: SUPBOENAS

## Content

- Direct to “Custodian of Records”
- Inmate name, register number, start/end date of calls (cannot be prospective), phone numbers (if applicable for request or exclusion)
- Agent Name/Telephone Number
- Do not subpoena emails

## Service Alternatives

- Drop off at the front desk
- Fax to SIS Dept.: (b)(6); (b)(7)(C)

What happens next? 68

# SENTENCING ISSUES

## DANGER AREAS

- Sentencing Credits
- Concurrent / consecutive with state / federal sentences
- Location / jurisdiction for incarceration
- Residential Drug Abuse Program (RDAP)
- Restitution
  - Before you agree to anything,

**CALL US FIRST!!**

# Contact Information

Consolidated Legal Center, Los Angeles

535 N. Alameda Street

Los Angeles, CA 90012

(b)(6); (b)(7)(C)

[Redacted]

(b)(6); (b)(7)(C)

[Redacted]

@bop.gov

(b)(6); (b)(7)(C)

[Redacted]

@bop.gov

(b)(6); (b)(7)(C)

[Redacted]

@bop.gov

(b)(6); (b)(7)(C)

[Redacted]

@bop.gov

(b)(6); (b)(7)(C)

[Redacted]

@bop.gov

(b)(6); (b)(7)(C)

[Redacted]

@bop.gov

## **Exhibit B.10**

### *BOP Record R2*

Powerpoint  
Law Enforcement Requests for Records and Discovery  
(June 24, 2011)

# Law Enforcement Requests for Records and Discovery

June 24, 2011  
Federal Bureau of Prisons  
Los Angeles Consolidated Legal Center



It is the mission of the Federal Bureau of Prisons to protect society by confining offenders in the controlled environment of prisons and community-based facilities that are safe, humane, cost efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

## **BOP Mission Statement**

- Sentenced, designated inmates- **BOP**
- All other inmates (i.e., pre-trial inmates)-  
**United States Marshals Service**  
pursuant to 18 U.S.C. § 4086  
*Exception:* pre-trial individuals  
ordered to undergo a mental  
competency evaluation pursuant to 18  
U.S.C. §§ 4241, 4242, 4244- **BOP**

## Custody of inmates

- 18 U.S.C. § 4241- Determination of mental competency to stand trial to undergo postrelease proceedings
- 18 U.S.C. § 4242- Determination of the existence of insanity at the time of the offense
- 18 U.S.C. § 4244- Hospitalization of a convicted person suffering from mental disease or defect
- **We have go-bys!!! Call us!!!**

**Mental Competency Evaluations  
Ordered by the Court**

- Be specific
- Include Inmate Name and Register Number or other Identifying Information
- Effective for all inmate movement
- To make request, contact:
  - USMS

(b)(6); (b)(7)(C)

# Separation Requests

- **Types of BOP documents available:**
  - Central File or “Skinny File” for pre-trial inmates
  - BOP Medical Records
  - Disciplinary Records
  - SIS Investigation Files
  - DHO reports/packets
  - Telephone Transaction Data
  - Psychology Records
  - Movement/Admission & Release History
  - Prison Account Records (TRUFACTS)
  - Administrative Remedies
  - Electronic Messaging (TRULINCS)

## **Law Enforcement Requests for Records**

(b)(5); (b)(7)(E)

# SIS Investigations

(b)(7)(E)

**Surveillance**

- Inmates use computers for . . .
  - E-Disco
  - Law Library
  - And More!

**Criminal E-Discovery**



- **E-DISCO**

- Reviewing E-discovery from CDs, hard drives

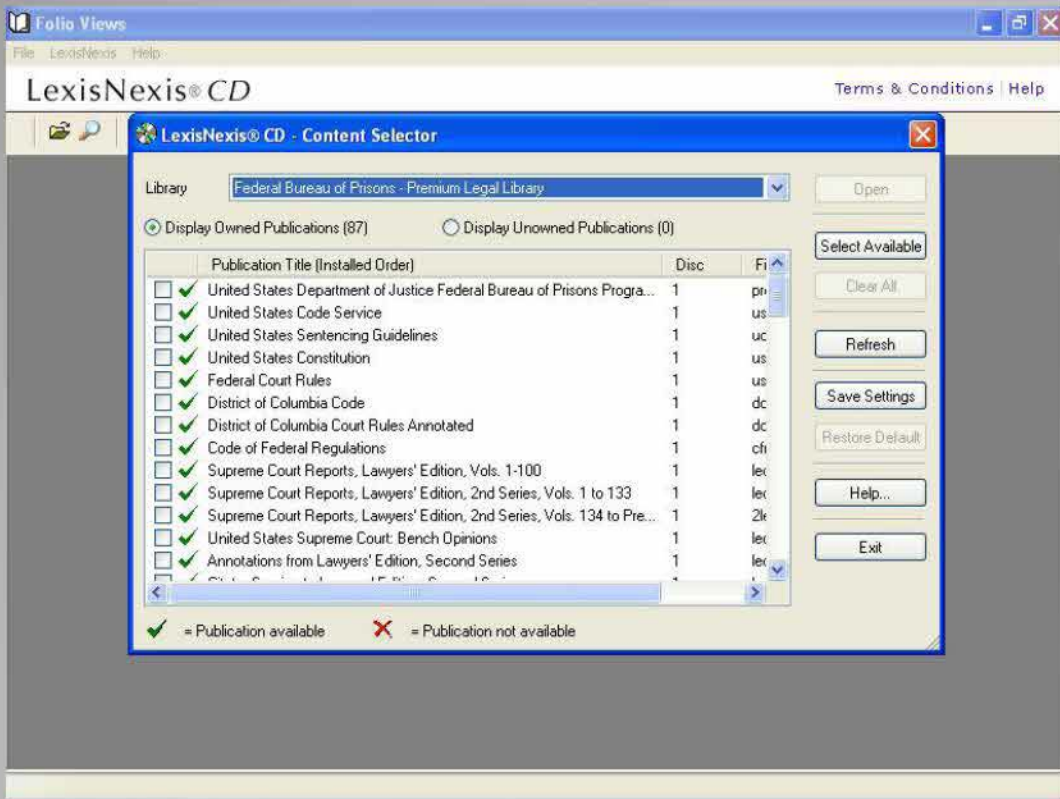
- Fax Discovery Authorization Forms for CDs

(b)(6); (b)(7)(C)

- Court appointed Discovery Coordinator

- Formats hard drives and provides to Education Dep't

# Criminal E-Discovery



# ELECTRONIC LAW LIBRARY

## Criminal E-Discovery

(b)(4)

## AND MORE! TRULINCS

Trust Fund Limited  
Inmate Communication  
System

Portal Screen

# Criminal E-Discovery

- Inmate Computers - the numbers

	Units (4)	SHU (4)	Education Dep't (9)
E-Discovery Computers	1	3	6
Electronic Law Library	1	1	3
TRULINCs	3	1	0

## Criminal E-Discovery

- **More Computers**
  - Visiting Room (11)
    - Adobe Read 9, Excel Viewer, Hawk Player, PowerPoint Viewer, Notepad, VLC Player, Windows Media Player, Wordpad, and Word Viewer
  - Requests for Laptops
    - Not contemplated by policy
  - Requests for Access to Internet
    - No.

## **Criminal E-Discovery**

# **TRULINCS**



## ***Electronic Messaging is . . .***

- Email which requires pre-approval by the public
- Plain text messages only
  - No attachments
  - No special characters
  - No embedded graphics or photos
- A mechanism for family/friends to initiate contact saving staff time
- Easier and faster than US Postal Mail
- A secure method of managing inmate communication
- Access to the most popular form of written communication
- An alternate means of written communication



## ***Electronic Messaging is not . . .***

- Internet access
- Instant messaging
- Intended for special or legal correspondence
- A replacement for US Postal Mail

BP-A0934 Inmate Agreement for Participation in TRULINCS  
 JUNE 10 Electronic Messaging Program CDFRM  
 U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS

Inmate Name:	Reg. No.:	Institution:
--------------	-----------	--------------

1. **TRULINCS Program** - I am notified of and acknowledge that the Bureau of Prisons (Bureau) at the above-named institution is offering an opportunity for inmates to participate in the Trust Fund Limited Inmate Communication System (TRULINCS) program, whereby inmate-participants may send and receive electronic messages (e-mail) with members of the community.
2. **Conditions of Participation** - As a TRULINCS program participant, I am notified of, acknowledge, and voluntarily agree to the following conditions:
  - a. **Compliance with Program Procedures** - I must abide by all terms prescribed in the TRULINCS Program Procedures (procedures), which I acknowledge having been notified of, received, read, and understood prior to signing this agreement.
  - b. **Voluntary Participation** - My participation in the TRULINCS Electronic Messaging program is voluntary and I may decline participation, or withdraw at anytime, without penalty or cost, except as provided in the procedures related to fees which may have already been collected from me. In the absence of TRULINCS program participation, I may still maintain contact with persons in the community through written correspondence, telephone, and visiting, as provided in those relevant Bureau policies.
  - c. **User Fee** - My TRULINCS program participation is conditioned on my payment of a fee for usage as prescribed in the procedures, and I authorize such fee(s) to be withdrawn directly from my inmate deposit fund account.
  - d. **Consent to Monitoring** - I am notified of, acknowledge, and voluntarily consent to having my messages and transactional data (incoming and outgoing) monitored, read, retained by Bureau staff, and otherwise handled as described in the Inmate Electronic Message Record System, Justice/BOP-013 (70 FR 69594-01, November 16, 2005). I am notified of, acknowledge, and voluntarily consent that this provision applies to messages both to and from my attorney or other legal representative, and that such messages will not be treated as privileged communications.
  - e. **Warden's Authority** - The Warden may discontinue my participation in the TRULINCS program, or reject incoming/outgoing messages, whenever it is determined that my participation violates the procedures or otherwise jeopardizes the safety, security, or good order of the institution, or protection of the public. Additionally, my participation may be limited or discontinued at anytime due to program unavailability resulting from system maintenance, modification, SHU assignment or other reasons unrelated to my participation conduct.
  - f. **Inmate Discipline / Criminal Prosecution** - My use of the TRULINCS program in violation of the procedures may result in inmate disciplinary action and/or criminal prosecution.
  - g. **Administrative Remedy Program** - Any grievance I may have related to the TRULINCS program may be raised through the Bureau's Administrative Remedy Program.
3. **ACKNOWLEDGMENT** - As indicated by my signature below, I am notified of, acknowledge, and voluntarily agree to all the above provisions.

\_\_\_\_\_  
 Inmate Name (printed/signed)

\_\_\_\_\_  
 Date

# Inmate TRULINCS Agreement:

- Voluntary Participation
- Fees
- Consent to Monitoring
- Warden's Authority
- Disciplinary Action
- BOP Administrative Remedy Procedure (Exhaustion)



Screen closes in: 02 Minutes 58 Seconds

**TRULINCS and ELECTRONIC MESSAGING:  
WARNING/RESPONSIBILITY/ACKNOWLEDGMENT**

Warning: This computer system is the property of the United States Department of Justice. The Department may monitor any activity on the system and search and retrieve any information stored within the system. By accessing and using this computer, I am consenting to such monitoring and information retrieval for law enforcement and other purposes. I have no expectation of privacy as to any communication on or information stored within the system.

Responsibility: I must abide by all terms prescribed in Bureau of Prisons' policy regarding my use of TRULINCS and electronic messaging systems, which I acknowledge having read and understood. I understand and consent to having my electronic messages and system activity monitored, read, and retained by authorized personnel. I understand and consent that this provision applies to electronic messages both to and from my attorney or other legal representative, and that such electronic messages will not be treated as privileged communications, and that I have alternative methods of conducting privileged legal communication. I will not share passwords and will log off the system when leaving the TRULINCS terminal. I am only authorized to use the TRULINCS and electronic messaging systems to communicate with those persons on my authorized contact list; check account balances; complete forms; access the electronic law library, and other TRULINCS functions.

My use of TRULINCS in violation of the procedures may result in inmate disciplinary action and/or criminal prosecution. Any grievance I may have related to the TRULINCS program may be raised through the Bureau's Administrative Remedy Program.

Acknowledgment: By accessing the program, I understand and agree to all the above provisions and consent to have the Bureau withdraw all required program fees directly from my deposit fund account.

My participation in the electronic messaging program is voluntary and I may decline participation, or withdraw at anytime, without penalty or cost, except as provided in the procedures related to fees which may have already been collected from me. In the absence of electronic messaging program participation, I may still maintain contact with persons in the community through written correspondence, telephone, and visiting, as provided in those relevant Bureau policies.

The Warden may discontinue my participation in the electronic messaging program, or reject incoming/outgoing messages, whenever it is determined that my participation violates the procedures or otherwise jeopardizes the safety, security, or good order of the institution, or protection of the public. Additionally, my participation may be limited or discontinued at anytime due to program unavailability resulting from system maintenance, modification, segregated housing assignment or other reason unrelated to my participation conduct.

# TRULINCS Warning Acknowledgment

Consent to Monitoring

No Exception for Legal  
Correspondence to  
Attorney

No Sharing of  
Passwords

Voluntary with Fees

Warden's Authority

### System Generated Message Acceptance required by public before emails begin

**From:** <info@corlinks.com>  
**To:**  
**Date:** 8/27/2009 10:37 AM  
**Subject:** Inmate

This is a system generated message informing you that the above-named person is a federal prisoner who seeks to add you to his/her contact list for exchanging electronic messages. There is no message from the prisoner at this time.

You can ACCEPT this prisoner's request or BLOCK this individual or all federal prisoners from contacting you via electronic messaging at [www.corlinks.com](http://www.corlinks.com). To register with CorLinks you must enter the email address that received this notice along with the following identification code: S62T72RX.

This identification code will expire in 10 days.

By approving electronic correspondence with federal prisoners you consent to have the Bureau of Prison staff monitor the content of all electronic messages exchanged.

Once you have registered with Corlinks and approved the prisoner for correspondence the prisoner will be notified electronically.

For additional information related to this program, please visit the [http://www.bop.gov/inmate\\_programs/corlinks\\_faqs.jsp](http://www.bop.gov/inmate_programs/corlinks_faqs.jsp) FAQ page.

\*\*\*\*\*

Este es un mensaje generado por el sistema que le informa que la persona mencionada es un preso federal que pretende añadirlo a usted a su lista de contactos para intercambiar mensajes electrónicos. No hay ningún mensaje del preso en este momento.

Usted puede ACEPTAR esta petición del preso o BLOQUEAR a esta persona o a todos los presos federales de contactarlo a usted a través de la mensajería electrónica en [www.corlinks.com](http://www.corlinks.com). Para inscribirse en CorLinks debe introducir la dirección de correo electrónico que recibió esta notificación, junto con el siguiente código de identificación: S62T72RX.

Este código de identificación expirará en 10 días.

Al aprobar la correspondencia electrónica con presos federales usted está consintiendo a que personal de la Oficina de Prisiones supervise el contenido informativo de todos los mensajes electrónicos intercambiados y cumplir con todas las reglas y procedimientos del Programa.

Una vez registrado en Corlinks y aprobado para la correspondencia el preso será notificado por vía electrónica.

Para obtener información adicional relacionada con este programa, por favor visite la página de preguntas frecuentes [http://www.bop.gov/inmate\\_programs/corlinks\\_faqs.jsp](http://www.bop.gov/inmate_programs/corlinks_faqs.jsp).

## Sample Message – Acceptance by Public

Identifies Federal  
Prisoner Seeking to  
Add as a Contact

Accept or Block

Consent to BOP  
Monitoring

English and Spanish

- What does the BOP have?
- What can you get?
- How do you get them?

**TELEPHONE CALLS**



- What does the BOP record?
  - TRUFONE Calls
    - Outgoing
    - Incoming
    - Staff phones?
  - Transactional data



## TELEPHONE CALLS

(b)(7)(E); (b)(7)(F)



# TELEPHONE CALLS

- What can you get?
  - Transactional data
  - Recorded calls
- How far back?
  - Recordings – 6 months
  - Transactional data – 6+ months
  - Exceptions



**TELEPHONE CALLS**

## How do I get . . .

- Transactional data
  - Request For Inmate Telephone Transaction Data form
- Recorded telephone calls
  - Subpoena
  - Include Register No.
  - Retrospective **ONLY**



# TELEPHONE CALLS

# ROLES

- AUSA
- Case Agent
- BOP attorney
- BOP SIS staff



## TELEPHONE CALLS



Can the Defense get records without the  
AUSA's knowledge?

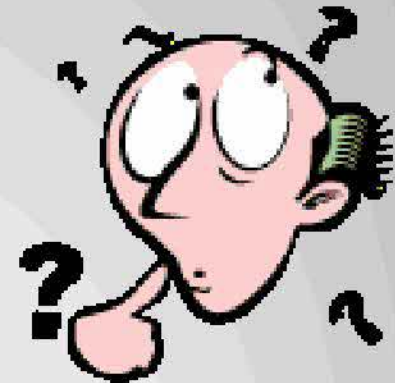
Yes,  
but . . .



**DEFENSE REQUESTS**

# How can defense counsel get BOP records and information without telling the AUSA?

- Written authorization
- FOIA
- Court order



## DEFENSE REQUESTS

# What can they get without telling the AUSA?

- With written authorization
  - Records of the authorizing individual
- Without written authorization
  - Public information
    - Staff: PS 1351.05, Release of Information, Attch. B
    - Inmates: 28 C.F.R. § 540.65(b)



## DEFENSE REQUESTS

## Defense Subpoenas

- Trigger the Touhy regulations
- 28 C.F.R. § 16.21, et seq.
- PLEASE READ: 28 C.F.R. § 16.23(a)
  - **ONLY** the DOJ attorney “in charge of the case” can authorize release; after . . .
  - Consulting the “originating component”
  - Why?

**DEFENSE REQUESTS**



## EXCEPTIONS?

- Ex parte applications?
- Sealed subpoenas?
- Sealed orders telling the BOP not to talk to the assigned AUSA?



**DEFENSE REQUESTS**

# www.bop.gov



## Call a BOP Attorney

# BOP Information

GET THE CAT'S OUT OF THE BAG!



C

?

THE END

© SWNS.COM

## **Exhibit B.11**

### **BOP Form Request for Inmate Telephone Transaction Data**



BP-S655.013 **REQUEST FOR INMATE TELEPHONE TRANSACTION DATA** CDFRM  
 JUL 99

**U.S. DEPARTMENT OF JUSTICE**

**FEDERAL BUREAU OF PRISONS**

This form should be executed by any federal law enforcement agency or United States Attorney's office in situations in which such agency or office requests copies of transactional data of the telephone conversations of a person in Bureau of Prisons custody for intelligence purposes or in conjunction with an ongoing criminal investigation.

SUBMISSION OF THIS FORM SHALL SIGNIFY BY THE UNDERSIGNED THAT ANY INFORMATION OBTAINED WILL BE TREATED AS SENSITIVE INVESTIGATIVE OR INTELLIGENCE INFORMATION AND WILL BE DISSEMINATED ONLY IN A MANNER APPROPRIATE TO THE CONDUCT OF THE INVESTIGATION OR FOR LEGITIMATE INTELLIGENCE PURPOSES.

Name of Inmate EOUSA b5, b6, b7c		Register No. EOUSA b5, b6, b7c
FBI NO	SSN	DOB
Principal Alias		
Offense(s): EOUSA b5, b6, b7c	Sentence	
Criminal Affiliations	Position in Organization	
Nature of Investigation		
Starting Date for Requested Transactional Data Time: EOUSA b5, b6, b7c		EOUSA b5, b6, b7c
Ending Date for Requested Transactional Data: EOUSA b5, b6, b7c		
List Any Known Target Telephone Numbers to Be Searched For		
Other Specific Requests/recommendations EOUSA b5, b6, b7c		
Submitting Agency: EOUSA b5, b6, b7c	Office/district: EOUSA b5, b6, b7c	Date: EOUSA b5, b6, b7c
Requesting AUSA: EOUSA b5, b6, b7c	Phone Number: (206) 553- EOUSA b5, b6, b7c	Ext: Fax: (206) 553- EOUSA b5, b6, b7c
<u>Supervisory Assistant United States Attorney</u>		
Printed Name: EOUSA b5, b6, b7c	Signature	
EOUSA b5, b6, b7c		