



U.S. Department of Justice  
Federal Bureau of Prisons

CHANGE NOTICE

OPI: OGC/OGC  
NUMBER: 1351.05, CN-2  
DATE: March 9, 2016

## Release of Information

/s/

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

This Change Notice (CN) implements the following change to Program Statement 1351.05 (CN-1), **Release of Information**, dated April 2, 2015. This text is inserted into the Program Statement (p.8) and marked with a highlight.

**Law Enforcement requests for telephone monitoring information:**

For telephone monitoring information concerning inmate telephone calls, ordinarily only transactional data (e.g., date, time, duration of the call) may be disclosed to Federal and state authorities for use in criminal investigations or prosecutions, upon a written request via BP-A0655, Request for Inmate Transactional Data.

Access to inmate telephone conversations that were previously recorded, or copies of the recorded telephone conversations (even when those conversations are yet to be recorded as long as the monitoring and recording is in the ordinary course of BOP duties), or written transcripts, shall only be disclosed to a requesting law enforcement authority when:

- (1) requested in an emergency situation;
- (2) criminal activity is discovered as part of the routine monitoring for prison administration purposes; or
- (3) requested through proper process (e.g., written endorsement by a U.S. Attorney or DOJ Criminal Section Chief, in connection with a criminal investigation, grand jury subpoena, or administrative subpoena); or

Attachment C

**Note:** U.S. Attorney authorization may only be delegated to an Acting U.S. Attorney when the U.S. Attorney is out of the jurisdiction or otherwise incapacitated. Authorization cannot be delegated to a First Assistant U.S. Attorney or Criminal Chief, or any other position within the U.S. Attorney's Office.

(4) requested by the FBI in furtherance of national security investigations, the collection of foreign intelligence information, or any other matter related to domestic or international terrorism.

**Note:** Requests relating to #4 above must be written on FBI letterhead in a standard format produced in consultation with both the FBI and BOP (facsimile or scanned electronic copies are acceptable), directed to the Chief, Counter Terrorism Unit (CTU), and signed by the appropriate Special Agent-in-Charge.

A request must contain a specific statement indicating it is in furtherance of at least one of the three matters listed above, and provide sufficient information to locate the requested telephone conversations.

FBI requests submitted pursuant to this section do not require a subpoena, court order, or any other type of legal process. They are limited to one year from the date of the request, and they can be renewed for additional one-year periods.

All requests for content of inmate telephone conversations must be directed to the CTU. Institutions provide all required materials outlined in the request to the CTU for delivery to the FBI.