

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](#)
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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.

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.

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)

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.

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)



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](#)

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