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To: [USANYS-CRIMINAL AUSAS](#); [USANYS-CRIMINAL PARALEGALS](#); [USANYS-INVESTIGATORS](#)
Subject: Important: New Office Practice When Requesting Inmate Email Accounts
Date: Friday, October 6, 2017 7:17:00 AM

All -- Effective immediately, the Office has adopted a new general practice of asking BOP staff to **filter out** emails between an inmate and his/her counsel-of-record when producing inmate emails to us. It is important that you take a minute to read this entire email to ensure you follow the directions:

1. **The General Practice Rule.** In your letter or email to the prison requesting inmate emails, include a sentence that provides the full name and email address of defense counsel-of-record and specifically requests that BOP staff filter out emails exchanged between that counsel-of-record and the inmate. ("**Please filter out emails exchanged between the inmate and [NAME OF ATTORNEY], Email Address: [FILL IN EMAIL ADDRESS].**")

Note: Should defense counsel provide you with the names and email addresses of **additional** attorneys or paralegals from his/her law firm and request you to have those communications likewise filtered out, that's fine. You should honor that defense request so long as the additional names/email addresses given to you belong to bona fide lawyers or paralegals at the defense law firm.

2. **Possible Exceptions to the General Practice.** There may be rare and special situations when, with unit chief approval, you may request counsel-inmate emails -- for example, in a crime fraud situation; or in acting upon safety concerns or threats; or in case of an inmate's disappearance. You must consult your unit chief before requesting counsel-inmate emails from the BOP.

3. **Rationale for this New Practice.** To be clear, our new practice is not a waiver of the Government's legal argument that the communications are not privileged. Rather, our Office has adopted this practice as an accommodation to the defense bar -- following meetings in which our Office participated with the court, BOP, and the Federal Defenders. The BOP recently implemented software at MDC and MCC that allows BOP staff at those facilities to filter counsel-inmate emails upon specific request by our Office. (Note: It is our understanding that only the MDC and MCC have this filtering-out capability currently, but other BOP facilities may acquire that same capability in the future.)

4. **Have questions or concerns?** Please come talk to me or John McEnany.