



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 17, 2017

By E-mail

Deirdre D. von Dornum
Attorney-in-Charge
Federal Defenders of New York
Eastern District of New York
One Pierrepont Plaza, 16th Floor
Brooklyn, New York 11201

Re: Bureau of Prisons Email Communications

Dear Ms. von Dornum:

I write to provide an update to our Office's policy regarding the production of emails sent and received by defendants during their periods of incarceration at Bureau of Prisons ("BOP") facilities (collectively, "BOP email communications"). As you know, the Office frequently requests that the BOP produce to the government BOP email communications and has taken the position that BOP email communications, including those between a defendant and his or her attorney, are not privileged communications. Nonetheless, the government understands that the BOP now has the technical capability to filter out of its production of BOP email communications emails to and from a particular email address, and the government now agrees to request that the BOP exclude from most productions communications between a defendant and his or her attorneys and other legal assistants and paralegals on their staff.¹

To allow us to submit such requests to the BOP, the Office requests that upon your Office's assignment to represent a defendant, your assigned attorney send an email to the assigned government attorney with a list of the full email addresses for the assigned attorneys, legal assistants and paralegals who may email with the defendant. If you

¹ The Office may request all BOP email communications, including communications between a defendant and his or her attorney, in some limited circumstances. For example, if the Office has reason to believe the communications with an attorney fall within the crime-fraud exception to the attorney-client privilege, the Office may request those emails.

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subsequently wish to provide an email address for an additional attorney, legal assistant or paralegal or change any of the previously-provided email addresses, the Office further requests that the assigned attorney send a subsequent email with the complete list of email addresses, including email addresses that remain unchanged, in the body of the email.

Please contact me if you have any questions about the Office's new procedures.

Very truly yours,

BRIDGET M. ROHDE
Acting United States Attorney

By:

Chief, Criminal Division
(718) 254-