

UPDATE! BOP's Legal Hold Protocol 2018

From

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

To

Date

2018/09/12 11:26

Subject:

UPDATE! BOP's Legal Hold Protocol 2018

Attachments:

TEXT.htm, BOP Legal Hold Notice Protocol - Updated September 12 2018.pdf

All,

Attached please find the updated version of the BOP's Legal Hold Protocol. As always, you can find a copy of the BOP's Legal Hold Protocol on Content Manager: Legal Hold Notice Application (b)(5)

(b)(5)

I hope you take the time to review the attached. As always, please continue to use the (b)(5) (b)(5) Feel free to contact me with any questions or comments.

Thank you.

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch

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

I telework each Tuesday and Thursday. On those days I can be reached by email or by phone at

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

(b)(5)

September 12, 2018

Legal Hold Notice Update: Notice of Change to TrustFund Resource Box Address

From (b)(6); (b)(7)(C)
To
Date 2018/08/24 10:58
Subject: Legal Hold Notice Update: Notice of Change to TrustFund Resource Box Address
Attachments: TEXT.htm

Regional Counsel,

Please forward the following information to your staff.

Thank you.

Due to the Trust Fund Branch's recent consolidation/realignment, the TRULINCS section GroupWise Resource mailbox: BOP-ADM/TrustFundTRULINCS@bop.gov closed on August 1, 2018. Accordingly, please use TFBICS@bop.gov effective immediately to send legal holds to preserve Inmate Email. We have updated the BOP's Legal Hold Protocol as well. As a reminder, a current version of the Legal Hold Protocol is available on Content Manager, Legal Hold Notice Application, Home, Resources.

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch

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

I telework each Tuesday and Thursday. On those days I can be reached by email or by phone at

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

Re: Re: FW: 15-17292 Alan Mapuatuli, et al v. Jefferson Sessions, et al "Memorandum Filed"

From

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

To

Date

2018/03/02 16:17

Subject:

Re: Re: FW: 15-17292 Alan Mapuatuli, et al v. Jefferson Sessions, et al "Memorandum Filed"

Attachments:

TEXT.htm

Thanks for the update (b)(6); (b)(7)(C) Have a good weekend.

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

Litigation Branch
U. S. Department of Justice
Federal Bureau of Prisons

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

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: (b)(6); (b)(7)(C)@bop.gov>

Date: 3/2/18 3:54 PM (GMT-05:00)

To: (b)(6); (b)(7)(C)@bop.gov>

Cc: (b)(6); (b)(7)(C)@bop.gov>

Subject: Fwd: Re: FW: 15-17292 Alan Mapuatuli, et al v. Jefferson Sessions, et al "Memorandum Filed"

>>> (b)(6); (b)(7)(C) 03/02/2018 15:54 >>>

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

fyi. This was the case where BOP was disinvited from attending the moots.

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

Western Region
Federal Bureau of Prisons
7338 Shoreline Drive
Stockton, CA 95219

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

(209)956-9795 (fax)

*Note that I generally telework on Monday and Wednesdays. On these days, you can reach me via email or at

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

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>>> (b)(6); (b)(7)(C) 3/2/2018 12:44 PM >>>

(b)(6); (b)(7)(C) - please find attached a procedural win in the Ninth Circuit on the "email" case. In this case plaintiffs sought to assert that emails on our BOP inmate email system should be able to constitute privileged communications. Dismissal affirmed on the basis that plaintiffs failed to exhaust administrative remedies.

V/r,

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

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

Federal Bureau of Prisons
Western Regional Office
7338 Shoreline Drive
Stockton, CA 95219

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

Fax (209) 956-9795

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>>> (b)(6); (b)(7)(C) 3/2/2018 11:19 AM >>>

(b)(6); (b)(7)(C) great outcome in the BOP email case. And fast!

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

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

FDC Honolulu | T (b)(6); (b)(7)(C)

Re: FW: 15-17292 Alan Mapuatuli, et al v. Jefferson Sessions, et al "Memorandum Filed"

From: (b)(6); (b)(7)(C)
To: (b)(6); (b)(7)(C)
Date: 2018/03/02 14:17
Subject: Re: FW: 15-17292 Alan Mapuatuli, et al v. Jefferson Sessions, et al "Memorandum Filed"
Attachments: TEXT.htm

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

Thank you for passing this along, and a personal congratulations to you for the positive result following your hard work on the case.

(b)(5)

Thanks again for your efforts and for passing along the decision.

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

(b)(6); (b)(7)(C)
US Department of Justice | Federal Bureau of Prisons
FDC Honolulu | PO Box 30547 | Honolulu, HI 96820
T: (b)(6); (b)(7)(C)@bop.gov

>>> (b)(6); (b)(7)(C)@usdoj.gov> 3/2/2018 9:00 AM >>>
>

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

See attached decision in Mapuatuli, affirming Judge Kobayashi's grant of our summary judgment motion. In the brief decision, (b)(5)
(b)(5)

Overall a good result, (b)(5); (b)(6); (b)(7)(C)

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

Assistant United States Attorney – District of Hawaii

(b)(6); (b)(7)(C)@usdoj.gov

From: ca9_ecfnoticing@ca9.uscourts.gov [mailto:ca9_ecfnoticing@ca9.uscourts.gov]
Sent: Friday, March 02, 2018 8:53 AM
To: (b)(6); (b)(7)(C)@usa.doj.gov>
Subject: 15-17292 Alan Mapuatuli, et al v. Jefferson Sessions, et al "Memorandum Filed"

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 03/02/2018 at 10:52:33 AM PST and filed on 03/02/2018

Case Name: Alan Mapuatuli, et al v. Jefferson Sessions, et al
Case Number: 15-17292
Document(s): Document(s)

Docket Text:
FILED MEMORANDUM DISPOSITION (b)(6); (b)(7)(C) AFFIRMED. FILED
AND ENTERED JUDGMENT. [10784026] (SD)

Notice will be electronically mailed to:

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

Honorable Leslie E. Kobayashi, District Judge
USDC, Honolulu

The following document(s) are associated with this transaction:

Document Description: Memorandum

Original Filename: 15-17292.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=03/02/2018] [FileNumber=10784026-0]

[6e63a4795e95838147d46347c267beb7c29253fdd291abdfd1d862ae56d3480755730d22c87846c19ef5e349f50ad5fd358cdb3371c4b7e5cfa27f5334de1bb

Document Description: Post Judgement Form

Original Filename: PostJudgmentandBillofCosts_Flat.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=03/02/2018] [FileNumber=10784026-1]

[839eacfb05d781a303497c070710931f85033139fd4e4f163277f9c12eb6c7a670375383cdc4d3126f84c0bf1ff0156bbd163ecbb3adfff3c5c0e2a2230252ea]

Re: Re: FOIA Request Number 2017-00870

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

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

Date: 2017/12/11 11:33

Subject: Re: Re: FOIA Request Number 2017-00870

Attachments: TEXT.htm

The policy itself was all TFB, yes. HOWEVER: I do have information relating to assisting TFB respond to inquiries defending its position to keep inmate emails with attorneys monitored and unprivileged. Should I contact (b)(6); (b)(7)(C) and communicate with her directly about this?

(b)(5)

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

LCI - OGC, HOLC Rm 244B
Federal Bureau of Prisons

(b)(6); (b)(7)(C)
Fax: 202-305-4577

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>>> (b)(6); (b)(7)(C)@bop.gov> 12/11/2017 11:27 AM >>>
Do you think it was purely Trust Fund?

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: (b)(6); (b)(7)(C)@bop.gov>
Date: 12/11/17 11:26 AM (GMT-05:00)
To: (b)(6); (b)(7)(C)@bop.gov>
Subject: Fwd: Re: FOIA Request Number 2017-00870

>>> (b)(6); (b)(7)(C) 12/11/2017 11:26 >>>

Nope, I wasn't involved with the development of the inmate email policy. I was involved with the development of the inmate email regulations, but as you know, they have not come to fruition in any public form as of yet.

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

LCI - OGC, HOLC Rm 244B
Federal Bureau of Prisons

(b)(6); (b)(7)(C)
Fax: 202-305-4577

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>>> (b)(6); (b)(7)(C)@bop.gov> 12/11/2017 11:21 AM >>>

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

Per (b)(6); (b)(7)(C) question, were you involved in the development of this policy? I'm planning on checking the hard file but want to see if you're hiding anything.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: (b)(6); (b)(7)(C)@bop.gov>
Date: 12/11/17 11:12 AM (GMT-05:00)
To: (b)(6); (b)(7)(C)@bop.gov>
Subject: Fwd: Re: FOIA Request Number 2017-00870

>>> (b)(6); (b)(7)(C) 12/11/2017 11:12 >>>

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

I am helping with a FOIA request out of the NorthEast Region. We are trying to figure out where we should search for the information requested below. I

Thanks.

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch (b)(6); (b)(7)(C)

I telework on Mondays and Thursdays. On those days I can be reached by email or by phone at (b)(6); (b)(7)(C)

>>> (b)(6); (b)(7)(C) > 9/20/2017 2:52 PM >>>

Thanks, (b)(6);
(b)(7)(C)

I am interested in any documents or materials, including but not limited to any legal or policy analysis, that regard the determination reflected in the relevant

I am also interested in any documents or materials, including but not limited to any legal or policy analysis, or comments and queries received by outside parties

I hope that helps to clarify. Please let me know if you have any questions or if I make any of the request clearer. Thanks,

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

On Wed, Sep 20, 2017 at 5:20 AM, (b)(6); (b)(7)(C) @bop.gov> wrote:

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

I think it would be wise for you to state in writing precisely what you are interested in right now. For several reasons, it may be that another BOP FOIA email
A reply to this e-mail will do the trick.
Please call if you have questions.
Have a great day.

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

(b)(6); (b)(7)(C)
Office of Regional Counsel
Northeast Region
Federal Bureau of Prisons
Second & Chestnut Streets
Seventh Floor
Philadelphia, PA 19106

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

@bop.gov

Confidentiality Note: this email is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential

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

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

UC Berkeley School of Law
BerkeleyLaw
(<https://www.law.berkeley.edu/our-faculty/faculty-profiles> (b)(6); (b)(7)(C)
([http://bit.ly/\[b\]\(6\);](http://bit.ly/[b](6);)) email
(mailto:[b](6);@law.berkeley.edu)

Fwd: Re: FOIA Request Number 2017-00870

From: (b)(6); (b)(7)(C)
To: (b)(6); (b)(7)(C)
Date: 2017/12/11 11:26
Subject: Fwd: Re: FOIA Request Number 2017-00870
Attachments: TEXT.htm

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

LCI - OGC, HOLC (b)(6); (b)(7)(C)
Federal Bureau of Prisons
(b)(6); (b)(7)(C)
Fax: 202-305-4577

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>>> (b)(6); (b)(7)(C)@bop.gov> 12/11/2017 11:21 AM >>>

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

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Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: (b)(6); (b)(7)(C)@bop.gov>
Date: 12/11/17 11:12 AM (GMT-05:00)
To: (b)(6); (b)(7)(C)@bop.gov>
Subject: Fwd: Re: FOIA Request Number 2017-00870

>>> "(b)(6); (b)(7)(C)" 12/11/2017 11:12 >>>

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

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch (b)(6); (b)(7)(C)

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>>> "(b)(6); (b)(7)(C)" 9/20/2017 2:52 PM >>>

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

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

On Wed, Sep 20, 2017 at 5:20 AM, (b)(6); (b)(7)(C)@bop.gov> wrote:

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

[Redacted]

I think it would be wise for you to state in writing precisely what you are interested in right now. For several reasons, it may be that another BOP FOIA er
A reply to this e-mail will do the trick.
Please call if you have questions.
Have a great day.

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

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

Office of Regional Counsel
Northeast Region
Federal Bureau of Prisons
Second & Chestnut Streets
Seventh Floor
Philadelphia, PA 19106

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

[Redacted]@bop.gov

Confidentiality Note: this email is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential

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

--

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

UC Berkeley School of Law
BerkeleyLaw
(<https://www.law.berkeley.edu/our-faculty/faculty-profiles> (b)(6); (b)(7)(C)
([http://bit.ly/\(b\)\(6\);](http://bit.ly/(b)(6);)) email
(mail (b)(6); @law.berkeley.edu)

Re: Fwd: FW: 15-17292 Alan Mapuatuli, et al v. Eric Holder, Jr., et al "NOTICE -- Oral Argument Schedule"

From

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

To

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

Date

2017/12/08 13:11

Subject:

Re: Fwd: FW: 15-17292 Alan Mapuatuli, et al v. Eric Holder, Jr., et al "NOTICE -- Oral Argument Schedule"

Attachments:

TEXT.htm

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

(b)(5); (b)(6); (b)(7)(C)

>>> (b)(6); (b)(7)(C) 12/5/2017 2:57 PM >>>

All:

The attached is an issue that is currently going on in WXR, specifically the case will be heard for oral argument by the 9th Cir. in Hawaii. The issue involves whether or not the inmate email function of TRULINCS violate a criminal defendants constitutional rights. The plaintiffs in the case assert that communications between an inmate and his attorney via TRULINCS should be considered privileged, despite the warnings that the system generates.

(b)(6); (b)(7)(C) of FDC Honolulu will be attending the moots and argument, but I want each of you to review the briefs and let me know if you have any thoughts or concerns that may be helpful in this case.

Thanks.

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

Litigation Branch
U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW (b)(6); (b)(7)(C)
Washington, D. C. 20534

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

(b)(6); (b)(7)(C)@bop.gov

>>> (b)(6); (b)(7)(C) 12/5/2017 2:36 PM >>>

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

fyi on this and our involvement to assist with the moots; if you have any input you'd care to offer, let me know.

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

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

Western Region
Federal Bureau of Prisons
7338 Shoreline Drive
Stockton, CA 95219

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

(209)956-9795 (fax)

*Note that I generally telework on Monday and Wednesdays. On these days, you can reach me via email or at

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

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>>> (b)(6); (b)(7)(C) 12/5/2017 11:20 AM >>>

Sir,

FYI. It doesn't surprise me that this case is being taken up. (b)(5)

(b)(5)

V/r,

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

Federal Bureau of Prisons
Western Regional Office
7338 Shoreline Drive
Stockton, CA 95219

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

Fax (209) 956-9795

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>>> [redacted] 12/5/2017 10:43 AM >>>

[redacted]
[redacted]

Please see attached. There will be a 9th Cir. argument here in D. HI regarding atty-client privilege and BOP inmate TRULINCS email.

[redacted]

I have yet to review all of the papers, but I do plan to attend any and all moot courts at the USAO. [redacted]

[redacted]

[redacted]
[redacted]

[redacted]

FDC Honolulu | T: [redacted]

FW: 15-17292 Alan Mapuatuli, et al v. Eric Holder, Jr., et al "NOTICE -- Oral Argument Schedule"

From: (b)(6); (b)(7)(C) USAHI)"
To: (b)(6); (b)(7)(C) (BOP) (b)(6); (b)(7)(C)
Date: 2017/12/04 19:44
Subject: FW: 15-17292 Alan Mapuatuli, et al v. Eric Holder, Jr., et al "NOTICE -- Oral Argument Schedule"
Attachments: TEXT.htm, Answering Brief - final.pdf, 8-2-16 - Reply Brief.pdf, Appellant's Corrected Opening Brief Dkt #11.pdf, Mime.822

In the event this argument stays on the calendar, I'd like to schedule a moot court for the week of Feb 5th. How about Feb 7 at 11:00 AM?

Attached are the briefs.

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

Assistant United States Attorney – District of Hawaii

(b)(6); (b)(7)(C) @usdoj.gov

From: ca9_ecfnoticing@ca9.uscourts.gov [mailto:ca9_ecfnoticing@ca9.uscourts.gov]
Sent: Monday, December 04, 2017 12:49 PM
To: (b)(6); (b)(7)(C) USAHI) <(b)(6); (b)(7)(C)@usa.doj.gov>
Subject: 15-17292 Alan Mapuatuli, et al v. Eric Holder, Jr., et al "NOTICE -- Oral Argument Schedule"

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United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 12/04/2017 at 2:49:09 PM PST and filed on 12/04/2017

Case Name: Alan Mapuatuli, et al v. Eric Holder, Jr., et al

Case Number: 15-17292

Docket Text:

Notice of Oral Argument on Friday, February 16, 2018 - 09:00 A.M. - Hawaii Bkcy Courtroom 250L - Honolulu HI.

View the Oral Argument Calendar for your case [here](#).

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to arrive (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

When you have reviewed the calendar, download the [ACKNOWLEDGMENT OF HEARING NOTICE form](#), complete the form, and file it via Appellate ECF or return the completed form to: SAN FRANCISCO Office.

[10677163] (b)(6); (b)(7)(C)

Notice will be electronically mailed to:

Mr. (b)(6); (b)(7)(C) Attorney

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

Re: PWP info needed

From (b)(6); (b)(7)(C)
To [Redacted]
Date 2017/09/13 08:26
Subject: Re: PWP info needed
Attachments: TEXT.htm

This is perfect, thank you!!

>>> (b)(6); (b)(7)(C) 9/12/2017 1:00 PM >>>

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

Below is the information for Litigation Branch:

1. Any update on Lit hold protocol or template?

The BOP Legal Hold Protocol was updated this year to incorporate changes in case law as well as updates to the BOP's Legal Hold Application. (b)(5)

(b)(5)

2. Subject to resources and interest, provide or participate in at least six (6) training programs for non-BOP staff (such as judges, AUSAs, defense bar, USPO's and non-federal criminal justice personnel) to facilitate partnerships and cooperation with those entities.

(b)(6); (b)(7)(C) participated in the National Advocacy Center's Prison Litigation Seminar as an instructor for the E-Discovery/BOP Records segment of the training. Litigation Branch Chief (b)(6); (b)(7)(C) participated in this seminar as well as a participant and instructor for a course covering the Prison Litigation Reform Act.

(b)(6); (b)(7)(C) attended a Joint Training for Agency Counsel training session on May 18, 2017. The topic was electronic surveillance. Participants included agency counsel from various DOJ components as well as BOP employees.

3. Performance Measure Staff will routinely monitor BOP and non -BOP decisions and settlements, to include litigation concerning civil commitments under the Adam Walsh Act to determine any impact on BOP, review them for trends, and where appropriate,

recommend necessary corrective action be taken, including changes to BOP policy and regulations. (Can you give me a couple examples? I'll reach out to the RCs if you don't have anything, let me know

(b)(5)

4. Any long distance trainings?

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

provided E-Discovery Training to all BOP legal staff via CENTRA on May 11, 2017. We also provided Deliberative Process Privilege Training (part of a three session series on Privilege) via CENTRA on Wednesday, July 26th.

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

Litigation Branch
U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW (b)(6); (b)(7)(C)
Washington, D. C. 20534

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

(b)(6); (b)(7)(C) @bop.gov

>>> (b)(6); (b)(7)(C) 9/7/2017 11:25 AM >>>

Hi all, I'm looking for info from the time period July 1-September 30, 2017 to finish up Ken and (b)(6); (b)(7)(C) PWPs.

Good news is it is really not a lot of info and it's for a shorter period of time than normal, bad news is it is due to me no later than **COB next Thursday, 9/14** (I apologize, we have a new format, we had some back and forth with OPM on final measures, etc.)

I broke it down by what I need from each of you in the attached. For some, I included what I wrote for the Progress Review I did in July so you can see what kind of language I am looking for.

However it is easiest for you to get me this info works for me-email, fill in the attached, send a separate document with your info, etc.

Thank you so much, (b)(6);
(b)(7)(C)

Re: Fwd: PWP Information for (b)(6); (b)(7)(C) **and Ken**

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

Date 2017/09/12 10:37

Subject: Re: Fwd: PWP Information for (b)(6); (b)(7)(C) **and Ken**

Attachments: TEXT.htm

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

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

Litigation Branch
U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW (b)(6); (b)(7)(C)
Washington, D. C. 20534

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

(b)(6); (b)(7)(C) @bop.gov

>>> (b)(6); (b)(7)(C) 9/12/2017 10:33 AM >>>

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch (b)(6); (b)(7)(C)

I telework on Mondays and Thursdays. On those days I can be reached by email or by phone at (b)(6); (b)(7)(C)

>>> (b)(6); (b)(7)(C) 9/12/2017 9:29 AM >>>

All:

Just a reminder that I need the below requested information by COB today. Thank you to those that have already provided their information.

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

Litigation Branch
U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW (b)(6); (b)(7)(C)
Washington, D. C. 20534

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

(b)(6); (b)(7)(C) @bop.gov

>>> (b)(6); (b)(7)(C) 9/7/2017 2:32 PM >>>

All:

We have been asked to provide PWP information for Ken and [redacted] for the end of their rating period - July 1 September 30, 2017.

Below if the information that [redacted] is seeking. I have indicated who may have relevant information:

1. Any update on Lit hold protocol or template [redacted] The BOP Legal Hold Protocol was updated this year to incorporate changes in case law as well as updates to the BOP's Legal Hold Application. [redacted]

[redacted]

2. Subject to resources and interest, provide or participate in at least six (6) training programs for non-BOP staff (such as judges, AUSAs, defense bar, USPO's and non-federal criminal justice personnel) to facilitate partnerships and cooperation with those entities. (ALL)

[redacted] participated in the United States Attorney's Prison Litigation Seminar as an instructor for the E-Discovery/BOP Records segment of the training.

3. Performance Measure Staff will routinely monitor BOP and non -BOP decisions and settlements, to include litigation concerning civil commitments under the Adam Walsh Act to determine any impact on BOP, review them for trends, and where appropriate, recommend necessary corrective action be taken, including changes to BOP policy and regulations. (ALL) (I HAVE A FEW EXAMPLES OF LITIGATION UPDATES I HAVE SENT OUT)

4. Any long distance trainings? (ALL) [redacted]

[redacted] provided E-Discovery Training to all BOP legal staff via CENTRA On May 11, 2017. We also provided Deliberative Process Privilege Training (part of a three session series on Privilege) via CENTRA on Wednesday, July 26th.

If you have information relevant to the above, please send it to my by COB 12 September 2017.

Thanks.

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

Litigation Branch
U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW (b)(6); (b)(7)(C)
Washington, D. C. 20534

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

(b)(6); (b)(7)(C)@bop.gov

Re: Fwd: PWP Information for (b)(6); (b)(7)(C) **and Ken**

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

Date 2017/09/12 10:33

Subject: Re: Fwd: PWP Information for (b)(6); (b)(7)(C) **and Ken**

Attachments: TEXT.htm

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch (b)(6); (b)(7)(C)

I telework on Mondays and Thursdays. On those days I can be reached by email or by phone at (b)(6); (b)(7)(C)

>>> (b)(6); (b)(7)(C) 9/12/2017 9:29 AM >>>

All:

Just a reminder that I need the below requested information by COB today. Thank you to those that have already provided their information.

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

Litigation Branch
U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW Room (b)(6); (b)(7)(C)
Washington, D. C. 20534

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

(b)(6); (b)(7)(C) @bop.gov

>>> (b)(6); (b)(7)(C) 9/7/2017 2:32 PM >>>

All:

We have been asked to provide PWP information for Ken and (b)(6); (b)(7)(C) for the end of their rating period - July 1 September 30, 2017.

Below if the information that (b)(6); (b)(7)(C) is seeking. I have indicated who may have relevant information:

1. Any update on Lit hold protocol or template? (b)(6); (b)(7)(C) The BOP Legal Hold Protocol was updated this year to incorporate changes in case law as well as updates to the BOP's Legal Hold Application. (b)(5)

(b)(5)

(b)(5)

2. Subject to resources and interest, provide or participate in at least six (6) training programs for non-BOP staff (such as judges, AUSAs, defense bar, USPO's and non-federal criminal justice personnel) to facilitate partnerships and cooperation with those entities. (ALL)

(b)(6); (b)(7)(C) participated in the United States Attorney's Prison Litigation Seminar as an instructor for the E-Discovery/BOP Records segment of the training.

3. Performance Measure Staff will routinely monitor BOP and non -BOP decisions and settlements, to include litigation concerning civil commitments under the Adam Walsh Act to determine any impact on BOP, review them for trends, and where appropriate, recommend necessary corrective action be taken, including changes to BOP policy and regulations. (ALL) (I HAVE A FEW EXAMPLES OF LITIGATION UPDATES I HAVE SENT OUT)

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(b)(6); (b)(7)(C) provided E-Discovery Training to all BOP legal staff via CENTRA On May 11, 2017. We also provided Deliberative Process Privilege Training (part of a three session series on Privilege) via CENTRA on Wednesday, July 26th.

If you have information relevant to the above, please send it to my by COB 12 September 2017.

Thanks.

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

Litigation Branch
U.S. Department of Justice
Federal Bureau of Prisons
320 First Street, NW Room
Washington, D. C. 20534

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

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

(b)(6);
(b)(7)(C) @bop.gov

Fwd: TRULINCs Email Filter

From (b)(6); (b)(7)(C)
To [Redacted]
Date 2017/08/08 07:50
Subject: Fwd: TRULINCs Email Filter
Attachments: TEXT.htm, 2017_06_22_11_04_53.pdf

Per our discussion

>>> (b)(6); (b)(7)(C) 6/22/2017 1:38 PM >>>
Ken and (b)(6); (b)(7)(C)

I am forwarding the below to simply close out the loop on this issue as you will see that (b)(6); (b)(7)(C) (with my assistance and blessing) drafted and sent the attached letter to the Chief Judge and USAO - SDNY/EDNY advising them of the recent guidance.

More importantly - I want to thank you both for your efforts and persistence in getting this filter memo completed. Regardless of how often the filter is actually used, or how often across the country it will be requested, the fact the BOP address and resolved this issue will have a far-reaching, positive impact with this Judge, this Court, and these USAOs as they have concrete proof we hear and address issues of concern.

Thanks,

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

PS - The Judge response is as follows:

Thanks very much, (b)(6); (b)(7)(C) I'll take a look and will follow up if I have questions. I'll also send copies to (b)(6); (b)(7)(C) from the Federal Defenders and the CJA Rep, (b)(6); (b)(6); (b)(7)(C) Thanks again for all the effort that went into this. I really appreciate it.

>>> (b)(6); (b)(7)(C) 6/22/2017 11:18 AM >>>
Good morning Your Honor,

Pursuant to our prior discussion, attached please find a letter with information as to the guidance provided regarding the inmate email filter. Please feel free to share it with your fellow judges and members of the CJA Board. I thank you for your patience and assistance with this process. Please let me know if you have any questions or concerns.

Thank you,

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

CLC New York

Metropolitan Correctional Center
150 Park Row
New York, New York 10007
p: (b)(6); (b)(7)(C)
f: (646)836-7665

Re: Fwd: TRULINCs Email Filter

From (b)(6); (b)(7)(C)
To [Redacted]
Date 2017/06/22 13:40
Subject: Re: Fwd: TRULINCs Email Filter
Attachments: TEXT.htm

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

>>> (b)(6); (b)(7)(C) 6/22/2017 1:38 PM >>>

Ken and (b)(6); (b)(7)(C)

I am forwarding the below to simply close out the loop on this issue as you will see that (b)(6); (b)(7)(C) (with my assistance and blessing) drafted and sent the attached letter to the Chief Judge and USAO - SDNY/EDNY advising them of the recent guidance.

More importantly - I want to thank you both for your efforts and persistence in getting this filter memo completed. Regardless of how often the filter is actually used, or how often across the country it will be requested, the fact the BOP address and resolved this issue will have a far-reaching, positive impact with this Judge, this Court, and these USAOs as they have concrete proof we hear and address issues of concern.

Thanks,

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

PS - The Judge response is as follows:

Thanks very much, (b)(6); (b)(7)(C) I'll take a look and will follow up if I have questions. I'll also send copies to (b)(6); (b)(7)(C) from the Federal Defenders and the CJA Rep, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Thanks again for all the effort that went into this. I really appreciate it.

>>> (b)(6); (b)(7)(C) 6/22/2017 11:18 AM >>>

Good morning Your Honor,

Pursuant to our prior discussion, attached please find a letter with information as to the guidance provided regarding the inmate email filter. Please feel free to share it with your fellow judges and members of the CJA Board. I thank you for your patience and assistance with this process. Please let me know if you have any questions or concerns.

Thank you,

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

CLC New York

Metropolitan Correctional Center
150 Park Row
New York, New York 10007
p: (b)(6); (b)(7)(C)
f: (646)836-7665

Re: TRULINCS Inmate Email Filter

From (b)(6); (b)(7)(C)
To (b)(6); (b)(7)(C)
Date 2017/06/22 11:52
Subject: Re: TRULINCS Inmate Email Filter
Attachments: TEXT.htm

Well done!

>>> (b)(6); (b)(7)(C) 6/22/2017 11:10 AM >>>

Good morning,

I am writing to you this morning to advise that I will be copying you on an email to the Honorable Richard J. Sullivan, District Judge, SDNY, regarding the guidance and upcoming implementation of the TRULINCS email filter. A copy of the letter is attached.

The attached guidance is the culmination of past discussions with your offices, the Courts, and the defense bar, and it will permit law enforcement requestors (e.g. AUSAs) to seek inmate emails while filtering out specific email addresses. We thank you for your prior input and hope this facilitates production issues for your AUSAs and their support staff. If you have any questions or concerns, feel free to give me a call.

Best regards,

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

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

p: (b)(6); (b)(7)(C)
f: (646)836-7665

Re: TRULINCs Email Filter

From

To [redacted]

Date 2017/06/22 11:40

Subject: Re: TRULINCs Email Filter

Attachments: pic16019.jpg, 2017_06_22_11_04_53.pdf,
Mime.822

Thanks very much, [redacted] I'll take a look and will follow up if I have questions. I'll also send copies to [redacted] from the Federal Defenders and the CJA Rep, [redacted] Thanks again for all the effort that went into this. I really appreciate it.

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic16019.jpg) United States District Court Southern District of New York 40 Foley Square New York, NY 10007 Email: [redacted]@nysd.uscourts.gov Chambers: [redacted]

"[redacted]"
ov> To
06/22/2017 11:18 >
AM cc

[redacted]

Subject
TRULINCs Email Filter

Good morning Your Honor,

Pursuant to our prior discussion, attached please find a letter with information as to the guidance provided regarding the inmate email filter. Please feel free to share it with your fellow judges and members of the CJA Board. I thank you for your patience and assistance with this process. Please let me know if you have any questions or concerns.

Thank you,

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

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

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

f: (646)836-7665(See attached file: 2017_06_22_11_04_53.pdf)

TRULINCs Email Filter

From (b)(6); (b)(7)(C)
To (b)(6); (b)(7)(C) @nysd.uscourts.gov
Date 2017/06/22 11:18
Subject: TRULINCs Email Filter
Attachments: TEXT.htm, 2017_06_22_11_04_53.pdf

Good morning Your Honor,

Pursuant to our prior discussion, attached please find a letter with information as to the guidance provided regarding the inmate email filter. Please feel free to share it with your fellow judges and members of the CJA Board. I thank you for your patience and assistance with this process. Please let me know if you have any questions or concerns.

Thank you,

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

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007
p: (b)(6); (b)(7)(C)
f: (646)836-7665

Fwd: Your Call

From (b)(6); (b)(7)(C)
To
Date 2017/05/15 14:05
Subject: Fwd: Your Call
Attachments: TEXT.htm

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

I know you are planning to email the Judge. He just sent the below. Let me know how you want to proceed.

Thank you,

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

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007
p: (b)(6); (b)(7)(C)
f: (646)836-7665

>>> (b)(6); (b)(7)(C)@nysd.uscourts.gov> 5/15/2017 2:01 PM >>>

(b)(6); (b)(7)(C) I got the message that you and (b)(6); (b)(7)(C) called to discuss the attorney-client email situation. Needless to say, I'm disappointed, especially in light of how long we've been at this and the assurances I'd received about how things have been moving forward. I gather (b)(6); (b)(7)(C) no longer wants to come to tomorrow's meeting, which probably makes sense given the tough questions (b)(6); (b)(7)(C) could reasonably expect from the understandably frustrated representatives of defense counsel organizations. I suppose my next step is to call folks in Washington, at the BOP and DOJ, since the regional approach hasn't worked.

Let me know if I'm missing something.

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

UPDATE

From (b)(6); (b)(7)(C)
To (b)(6); (b)(7)(C) Kathleen M. Kenney (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Date 2017/05/15 10:33
Subject: UPDATE
Attachments: TEXT.htm

Good morning -

I am back in the office today and was looking for an update on the Attorney-inmate email matter that I am suppose to discuss at tomorrow's SDNY Court/Defense Attorney gathering. Judge Sullivan called me this morning and I told him I would update him later this afternoon. He indicated that if I did not have any final status I may not need to go to SDNY tomorrow. He also indicated he is willing to chat with OGC staff if that would be helpful.

I am scheduled in the office all day and look forward to hearing from someone.

Thanks,

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

Re: CEO Memo - regarding TRULINCS Filter for Specific Emails

From Kathleen M. Kenney
To Michael Carvajal
Date 2017/04/27 08:06
Subject: Re: CEO Memo - regarding TRULINCS Filter for Specific Emails
Attachments: TEXT.htm

Thanks Michael.

>>> Michael Carvajal 4/27/2017 8:02 AM >>>

Good morning Kathy,

No concerns.

Thank you.

Michael

>>> Kathleen M. Kenney 4/26/2017 11:14 AM >>>

Good morning folks - I've attached a draft memo for your review regarding a new TRULINCS feature. The new feature allows the filtering out of specifically identified emails when conducting a search of a specific inmate's email activity. This feature was developed as a result of concern raised by some judges regarding the fact we do not offer confidential attorney-client email communication. In lieu of having to have an entirely separate email system for inmates to write their attorneys, we decided to offer this feature instead. This feature would ordinarily come into play when a criminal AUSA or law enforcement has asked us for all of the pre-trial inmate's emails. Please let me know if you have any questions or concerns.

Thanks -
Kathy

Re: CEO Memo - regarding TRULINCS Filter for Specific Emails

From Kathleen M. Kenney
To John Caraway
Date 2017/04/26 11:44
Subject: Re: CEO Memo - regarding TRULINCS Filter for Specific Emails
Attachments: TEXT.htm

Thanks John.

>>> John Caraway <(b)(6); (b)(7)(C)@bop.gov> 4/26/2017 11:41 AM >>>
I have no questions or concerns.

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

From: Kathleen M. Kenney
Sent: Wednesday, April 26, 2017 11:14 AM
To: L. Cristina Griffith; Deborah Schult; (b)(6); (b)(7)(C) Bradley T Gross; Sonya Thompson; (b)(6); (b)(7)(C) Angela Dunbar; John Caraway; (b)(6); (b)(7)(C) Michael Carvajal; Darrin Harmon; Jeffery Keller; (b)(6); (b)(7)(C)
Subject: CEO Memo - regarding TRULINCS Filter for Specific Emails

Good morning folks - I've attached a draft memo for your review regarding a new TRULINCS feature. The new feature allows the filtering out of specifically identified emails when conducting a search of a specific inmate's email activity. This feature was developed as a result of concern raised by some judges regarding the fact we do not offer confidential attorney-client email communication. In lieu of having to have an entirely separate email system for inmates to write their attorneys, we decided to offer this feature instead. This feature would ordinarily come into play when a criminal AUSA or law enforcement has asked us for all of the pre-trial inmate's emails. Please let me know if you have any questions or concerns.

Thanks -
Kathy

Re: CEO Memo - regarding TRULINCS Filter for Specific Emails

From Deborah Schult
To Kathleen M. Kenney
Date 2017/04/26 11:44
Subject: Re: CEO Memo - regarding TRULINCS Filter for Specific Emails
Attachments: TEXT.htm

Copy. Thanks Kathy.

Deborah G. Schult, Ph.D.
Assistant Director
Health Services Division

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

>>> Kathleen M. Kenney 4/26/2017 11:41 AM >>>

(b)(5)

Thanks -
Kathy

>>> Deborah Schult 4/26/2017 11:31 AM >>>

(b)(5)

Deborah G. Schult, Ph.D.
Assistant Director
Health Services Division

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

>>> Kathleen M. Kenney 4/26/2017 11:14 AM >>>

Good morning folks - I've attached a draft memo for your review regarding a new TRULINCS feature. The new feature allows the filtering out of specifically identified emails when conducting a search of a specific inmate's email activity. This feature was developed as a

Re: CEO Memo - regarding TRULINCS Filter for Specific Emails

From Kathleen M. Kenney

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

Date 2017/04/26 11:29

Subject: Re: CEO Memo - regarding TRULINCS Filter for Specific Emails

Attachments: TEXT.htm

Thanks for catching that!

>>> (b)(6); (b)(7)(C) 4/26/2017 11:26 AM >>>

Hi Kathy,

No concerns from RSD.

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

PS - I think there is a typo in the second sentence.

>>> Kathleen M. Kenney 4/26/2017 11:14 AM >>>

Good morning folks - I've attached a draft memo for your review regarding a new TRULINCS feature. The new feature allows the filtering out of specifically identified emails when conducting a search of a specific inmate's email activity. This feature was developed as a result of concern raised by some judges regarding the fact we do not offer confidential attorney-client email communication. In lieu of having to have an entirely separate email system for inmates to write their attorneys, we decided to offer this feature instead. This feature would ordinarily come into play when a criminal AUSA or law enforcement has asked us for all of the pre-trial inmate's emails. Please let me know if you have any questions or concerns.

Thanks -
Kathy

Re: Attorney Email and MDC Laptop Issue

From

To [redacted]

Date 2017/04/18 14:20

Subject: Re: Attorney Email and MDC Laptop Issue

Attachments: pic03902.jpg, Mime.822

You bet. The dial-in number is 888-363-[redacted] and the access code is 3290725.

I look forward to chatting with both of you on Thursday, April 20th at 8:00 am.

Thanks again.

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic03902.jpg) United States District Court Southern District of New York 40 Foley Square New York, NY 10007 Email: [redacted]@nysd.uscourts.gov Chambers: [redacted]

[redacted]

v> >

04/18/2017 01:27 cc

PM [redacted]

Subject

Re: Attorney Email and MDC Laptop Issue

The Conference call number sounds like a better idea - please send us the dial-in number.

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

>>> 4/18/2017 12:23 PM >>>

Great. That will work. Alternatively, I have a conference call number that everyone can dial in to. Let me know which you prefer; if the latter, I can send you the dial-in number.

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic08723.jpg) United States District Court Southern District of New York 40 Foley Square New York, NY 10007

Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

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

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

v> >

04/18/2017 12:15 cc

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

Subject

Re: Attorney Email and MDC Laptop Issue

I have conferred with (b)(6); (b)(7)(C) and we are both available at that time. Unless I hear otherwise - I will get (b)(6); (b)(7)(C) on the phone and call you at the chambers number listed below.

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

>>> 4/18/2017 10:47 AM >>>

Thanks very much. How about a conference call with the three of us on Thursday, April 20th at 8:00 am?

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic32391.jpg) United States District Court Southern District of New York 40 Foley Square New York, NY 10007
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov
Chambers: (b)(6); (b)(7)(C)

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

v>>

04/18/2017 08:23 cc

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

Subject

Re: Attorney Email and MDC Laptop Issue

Good morning Your Honor -

Per my voice message just now, I am in the office most of the week and available to discuss the issue with you at a convenient time. I can be reached at (b)(6); (b)(7)(C)

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

Northeast Region - Federal Bureau of Prisons

Phone (b)(6); (b)(7)(C)
Fax #

SENSITIVE/PRIVILEGED COMMUNICATION

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>>> 4/17/2017 8:43 PM >>>

I was hoping to get this project back on the front burner, since it seems to me to be readily achievable. Is there a time this week or next when we can chat, either in person or via telephone? Let me know. Thanks.

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic03548.jpg) United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov
Chambers: (b)(6); (b)(7)(C)

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

,
03/21/2017 07:53 AM >

cc

Subject

Re: Attorney Email and MDC Laptop
Issue

Good morning Your Honor -

At this time, I do not have any current plans to be in New York in the near future. I will review my schedule, as well as communicate with (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) and propose a few dates that may be available. Is there a particular day of the week that is generally better or worse for Your Honor?

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

Northeast Region - Federal Bureau of Prisons

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

Fax # 215-521-7483

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>>> 3/20/2017 2:36 PM >>>

Thanks, (b)(6); (b)(7)(C) I'd like to have a meeting on this if possible. This is a proposal that we've been talking about for quite some time, and it could have a significant impact on the use of scarce government resources, since

email correspondence would likely reduce the number of attorney visits and the time spent getting lawyers in and out of pre-trial detention facilities.

(b)(6); (b)(7)(C) is there a day in the next few weeks when you'll be up in New York and available for a visit?

Thanks.

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic03548.jpg) United States District Court Southern District of New York
40 Foley Square
New York, NY 10007
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov
Chambers: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)
ov> To
03/20/2017 02:13 >
PM cc
(b)(6); (b)(7)(C)

Subject
Re: Attorney Email and MDC Laptop
Issue

Hi Judge Sullivan,

I am told that the filter is still not yet in place. (b)(6); (b)(7)(C)

Regional Counsel, is following up and has stated you can reach out to [redacted] with further inquiries. I have cc'ed him above for your convenience.

Thank you,

[redacted]

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

p: [redacted]
f: (646)836-7665

>>> 3/20/2017 12:50 PM >>>

[redacted] I wanted to follow up with you on the attorney email situation. Has anything happened since our last correspondence?

RJS

(Embedded image Richard J. Sullivan moved to file: United States District Judge pic07548.jpg) United States District Court Southern District of New York 40 Foley Square New York, NY 10007
Email: [redacted]@nysd.uscourts.gov
Chambers: [redacted]

[redacted]

ov> To
11/04/2016 07:32 >
AM cc

Subject
Re: Attorney Email and MDC Laptop Issue

Thanks Judge. We will all be here since DOJ did not give us Tuesday as a holiday. I look forward to speaking with you Tuesday. I will continue to press for answers on the email front.

Thanks,

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

>>> 11/3/2016 8:58 PM >>>

That works for me. But just a reminder that that's Election Day and therefore a federal holiday. Assuming everyone knows that and is still okay with it, let's plan on a conference call at 11:30. Everyone can dial in to 888-363-(b)(6); (b)(7)(C) and put in the access code 3290725.

And please keep pressing for answers on the attorney-client email solution, because I really wanted to announce that at the meeting on the 15th.

Thanks, (b)(6); (b)(7)(C)

R

Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312
Tel: (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

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

ov> To
11/03/2016 03:48 >
PM cc

Subject
Re: Attorney Email and MDC Laptop
Issue

Hi Judge Sullivan,

Tuesday, November 8, at 11:30 am works best for the Wardens, [REDACTED] and me, if it still works with your schedule.

Thank you,

[REDACTED]

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

p: [REDACTED]

f: (646)836-7665

>>> [REDACTED] 11/2/2016 11:49 AM >>>

Good morning Your Honor,

I am reaching out to find out which date/time works for everyone to chat with you next week, and will let you know as soon as possible. I am also working with the MCC New York Captain to find a more permanent solution to the visiting issue at MCC. Unfortunately, I still have no definitive answer to the filter issue. There seems to have been some snag in DC and I am following up. I can address the other digital discovery issues and our actively working towards mutually beneficial solutions, as well as our videoconferencing capabilities.

Thank you,

[REDACTED]

CLC New York
Metropolitan Correctional Center
150 Park Row

New York, New York 10007

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

f: (646)836-7665

>>> 11/2/2016 10:24 AM >>>

(b)(6); (b)(7)(C) I was hoping we could arrange a date and time for a conference call with the Wardens for later this week or next week to discuss the topics likely to come up at the Criminal Justice Advisory Board meeting on the 15th. Can you coordinate with the Wardens and (b)(6); (b)(7)(C) and get back to me with some dates? Looking at my schedule, I could manage Friday, November 4th at 10:00; Monday, November 7th at 11:30 or 3:30; Tuesday, November 8th at 11:30; or Thursday, November 10th at 8:30 or 4:00. Let me know if any of those work for you folks.

Also, is there any reason why the MDC laptop policy excludes paralegals? Sometimes, that's the most efficient and cost effective way to review discovery with detained defendants, particularly those who are Spanish-speakers. I've received several emails to that effect, and I think this is likely to be an issue that comes up at the CJAB meeting.

Let me know if there are any other topics you'd like to see discussed at the meeting. Do you have any more information on the filter for the attorney-client email issue?

RJS

Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312
Tel: (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

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

ov> To
10/20/2016 12:15 >
PM cc

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

Subject
Re: Attorney Email and MDC Laptop

Issue

Hi Judge,

I am following up on the status of the filter. While the Legal side of the house has issued guidance, we have not yet heard back as to implementation. I hope to have more to share with you prior to the meeting.

As for the pilot program at MDC, it is my understanding that the program permitting defense counsel to bring in laptops and/or hard drives is currently operational. Attached is a copy of the agreement counsel must sign in order to bring those items in (with advance notice). I am also advised that currently only attorneys are permitted to bring these electronic devices, not legal support staff (e.g paralegals/investigators).

MCC New York, on the other hand, currently asks defense counsel for 24 hours notice so that our Education Department can bring the hard drives provided by the USAO for the inmates to the attorney conference area to review on the computers there.

In other news, MCC has also recently successfully tested our videoconferencing capability with the EDNY on a high profile case. I am looking to test our connection with the SDNY court soon.

Thank you,

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

[Redacted signature box]

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

p: (b)(6); (b)(7)(C)
f: (646)836-7665

>>> 10/20/2016 11:48 AM >>>

Hi, (b)(6); (b)(7)(C) I just wanted to follow up with you to get an update on the attorney-client email project. Is the email "filter" up and running? I'm anxious to hear how it's going, and I'd love to be able to discuss it as a success at our next Criminal Justice Advisory Board Meeting in November.

I also wanted to alert you (and (b)(6); (b)(7)(C) and Warden Quay) to the complaint I received below about the MDC's new policy that prohibits defense counsel from bringing laptops or hard drives to review crucial discovery with their clients. I currently have a (b)(6); (b)(7)(C); (b)(7)(F) case with massive amounts of discovery, (b)(6); (b)(7)(C); (b)(7)(F) The government produced the discovery on hard drives -- not discs -- which make the new MDC policy particularly problematic.

Give me a call or shoot me an email to discuss the first issue, and you and/or (b)(6); (b)(7)(C); (b)(7)(F) can contact me regarding the second one.

Thanks.

RJS

Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312
Tel: (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

----- Forwarded by Richard Sullivan/NYSD/02/USCOURTS on 10/20/2016 11:39 AM

(b)(6); (b)(7)(C)
com> To
"Hon. Richard J. Sullivan"
10/20/2016 11:33 AM >
cc

Subject

As always, I send out an invitation to the CJA Panel for comments in anticipation of the Criminal Advisory Meeting. I immediately received an email laying out an issue.

Apparently, there is some pilot program at the MDC which prohibits lawyers from bringing in laptops or hard drives to review discovery with their clients. This becomes particularly onerous in cases with high volumes of discovery because it would have to be placed on multiple CDs, which is why it is produced to the defense on a hard drive to begin with. The normal procedure requires counsel to apply to bring in the hard drive, but the MDC is not permitting that now. Here is their response to a recent request:

Thank you for your email.

I'm sorry, we are still in the beginning stages of this pilot program, and as such, are not able to give you access to review the materials with your client on hard drives or laptops. I apologize for any inconvenience this may cause, but you can enter the facility with material on CDs to review on the computers in the visiting rooms.

In this case, counsel is assigned to a large OC case with a huge volume of information and the solution proposed by the MDC, that counsel burn the files to CDs is simply not practical. Perhaps you can get an update on the program. As usual, it makes no sense.

--

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

Clayman & Rosenberg, LLP
305 Madison Avenue
Ste. 1301
New York, N.Y. 10165

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

Fax: 212-949-8255

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

Web: www.clayro.com

This message and any attached documents contain information from the law firm of Clayman & Rosenberg that may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy,

distribute, or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then

Decision paper comments

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

Date 2016/11/04 14:34

Subject: Decision paper comments

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

LCI has reviewed the decision papers. No new comments on Papers 1, 2, 4, and 5.

Paper 3 - Inmate Communication Monitoring:

(b)(5)

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

Re: Fw: November 2016 Executive Staff Book

From (b)(6); (b)(7)(C)
To [Redacted]

Date 2016/11/02 10:47

Subject: Re: Fw: November 2016 Executive Staff Book

Attachments: TEXT.htm

With regard to the TFB Decision Paper on "Inmate Communication Monitoring," I have the following comments:

(b)(5)

[Redacted]

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

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

(b)(6); (b)(7)(C)
Fax: 202-305-4577

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>>> (b)(6); (b)(7)(C)@bop.gov > 11/1/2016 4:50 PM >>>

Please review and let me know if you have any comments by Friday morning.

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

From: (b)(6); (b)(7)(C)@bop.gov>
Sent: Tuesday, November 1, 2016 15:07

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

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

Subject: November 2016 Executive Staff Book

Hello, attached are papers for the upcoming Exec Staff Meeting. We have seen all the papers but the 5th attachment. However, paper contents may have changed based on input from other divisions. Therefore, please take a look at the papers and let me know if you have additional comments (no need to submit ones you did the first time).

Please have your comments to me no later than noon on **Friday, November 4.**

Reminder for GO Round topics by COB tomorrow.

Thanks, (b)(6); (b)(7)(C)

Re: Incoming Publication program statement

From (b)(6); (b)(7)(C)
To (b)(6); (b)(7)(C)
Date 2016/09/23 12:09
Subject: Re: Incoming Publication program statement
Attachments: TEXT.htm

As far as I know, the Incoming Publication PS is NOT up for review, but the proposed rule on Correspondence, which would include the incoming publication regulations, IS being reviewed by DOJ right now.

The proposed rule is stuck at DOJ because of the attorney-client email issue. However, as far as I am aware, the regulation changes being proposed in the proposed rule draft have NOT been made in either the Correspondence or Incoming Pubs Program Statements.

Feel free to call if that's unclear. :) (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)
LCI - OGC, HOLC (b)(6); (b)(7)(C)
Federal Bureau of Prisons
(b)(6); (b)(7)(C)
Fax: 202-305-4577

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>>> (b)(6); (b)(7)(C) 9/23/2016 12:04 PM >>>

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

Kathy has asked for a copy of the incoming publication (which I can take care of) but she wanted to know if there were any issues with it (such as it's up for review). Would you let me know? Thanks.

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

one more thing

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

Date 2016/09/13 08:53

Subject: one more thing

Attachments: TEXT.htm

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

(b)(5)

Let me know if you can do this or whether you have questions about my question.

Thanks.

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

Federal Bureau of Prisons

Office of General Counsel

Litigation Branch (b)(6); (b)(7)(C)

I telework on Mondays and Thursdays. On those days I can be reached by email or by phone at (b)(6); (b)(7)(C)

Re: Go Rounds for Executive Staff Meeting

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

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

Date: 2016/07/28 15:09

Subject: Re: Go Rounds for Executive Staff Meeting

Okey dokey then. Well... I still need to talk to you about it... and maybe (b)(6); (b)(7)(C) .. and get some guidance (b)(5)

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

Mentioned it to (b)(6); (b)(7)(C) this morning (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)(5) Please let me know when you would like to discuss.

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

LCI - OGC, HOLC (b)(6); (b)(7)(C)

Federal Bureau of Prisons

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

Fax: 202-305-4577

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>>> (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.

Re: PWP accomplishments (2016)

From (b)(6); (b)(7)(C)
To
Date 2016/07/13 15:40
Subject: Re: PWP accomplishments (2016)
Attachments: TEXT.htm

Thanks, (b)(6); (b)(7)(C) I'll work on this in the coming days.

>>> (b)(6); (b)(7)(C) 7/13/2016 2:10 PM >>>

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

See the attached in which I hopefully completed the appropriate spots.

In addition - please feel free to consider the following wherever it most appropriately fits:

(b)(5); (b)(6); (b)(7)(C)

AND

- I received an email that I was given a "5 star client review in Avvo" (whatever that means!)

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

>>> (b)(6); (b)(7)(C) 6/23/2016 1:23 PM >>>

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

In addition to the information in the attached email from (b)(6); (b)(7)(C) please be aware that I need your PWP accomplishments by **COB Wed, July 13th** or sooner if possible. Because you

have already provided input for Kathy's PWP for the period of July 1, 2015, to March 31, 2016, you only need to highlight for me your accomplishments between **April 1 to June 30, 2016**. Please use the attached blank PWP. Just as a reminder, I am your rater and Kathy is your reviewer. I plan to send (and discuss) your evals with you by July 22nd. If you will be on leave during this time, please let me know so we can plan ahead to talk at another time.

Regarding your CLC leaders' evals in which you are the rater and I am the reviewer, please also submit those to me by **COB Wed, July 20th**. If possible, please also have them sign and acknowledge receipt of their 2016-2017 performance standards.

Hope you are well. Thanks for all of your hard work.

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

Federal Bureau of Prisons
320 First Street, N.W.
Washington, D.C. 20534

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

(w)

(c)

ATTORNEY/CLIENT PRIVILEGED COMMUNICATION

ATTORNEY WORK PRODUCT

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Fwd: Re: atty-inmate email snafu

From

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

To

Date

2016/06/09 08:53

Subject:

Fwd: Re: atty-inmate email snafu

Attachments:

TEXT.htm, Arcerio Answering Brief - 6-6-16 draft.docx, Arciero v Holder.rtf, H.R. 3864..pdf

(b)(6); (b)(7)(C) As discussed, here is my email exchange with (b)(6); (b)(7)(C) Attached are:

1. The Arcerio Answering Brief draft.
2. The Arcerio case that is being appealed.
3. The bill introduced in the House that hasn't gone further.

I'll keep you updated.

>>> (b)(6); (b)(7)(C) 6/8/2016 10:42 PM >>>

Hi, (b)(6); (b)(7)(C) I'm not a comma-after-the-hi person, like you. But, when communicating with someone (usually another attorney) who respects the rules of punctuation, I feel compelled to let them know I understand them too. So, there you go.

You are six hours ahead. I can call around 8 am my time, 2 pm your time tomorrow (Thursday) or a little later, depending on what works for you. That's the earliest I could do, but later is always an option.

(b)(5)

(b)(5); (b)(6); (b)(7)(C)

>>> (b)(6); (b)(7)(C) 6/8/2016 10:36 AM >>>

Hi, (b)(6); (b)(7)(C) I just wanted to respond to your emails with the following:

1. I looked on Westlaw too - that's how I found Arciero - and it also told me I didn't have access to the appeal... :) That's what prompted me to bug you.
2. I think this might necessitate a business trip for me to your location. Please make it happen. ;)

(b)(5)

(b)(5)

7. I'd like to speak with you further about this before reaching out to (b)(6); (b)(7)(C) I'm not sure what the "protocol" is for me to do that and I want to check with my boss(es) first. ;)

THANKS FOR BEING SO DARN HELPFUL!!! Like I said in my previous email, let's figure out a time/date to speak. I will accommodate your time zone!!! Just let me know when! I can be reached at (b)(6); (b)(7)(C) and am willing to talk pretty much anytime, day or night, if warned first! ;)

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

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

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

Fax: 202-305-4577

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>>> (b)(6); (b)(7)(C) 6/7/2016 2:17 PM >>>

Hi (b)(6); (b)(7)(C) Pacer has no info about this appeal. Westlaw told me: "You do not have access to ALAN MAPUATULI, ET AL V. ERIC HOLDER, JR., ET AL because it is not authorized under your subscription agreement," whatever that means. I am not sure what the status of the appeal is. However, I have spoken to the AUSA about this case for unrelated reasons and will ask him about the current status.

(b)(5)

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

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

US Department of Justice | Federal Bureau of Prisons
FDC Honolulu | 351 Elliot Street | Honolulu, HI 96819
T: (b)(6); (b)(7)(C) @bop.gov

>>> (b)(6); (b)(7)(C) 6/7/2016 4:24 AM >>>

(b)(5); (b)(6); (b)(7)(C)

Thanks!

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

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

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

Fax: 202-305-4577

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Re: Inmate email issue

From (b)(6); (b)(7)(C)
To
Date 2016/06/09 08:36
Subject: Re: Inmate email issue
Attachments: TEXT.htm

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

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

(b)(6); (b)(7)(C)
Fax: 202-305-4577

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>>> (b)(6); (b)(7)(C) 6/9/2016 8:36 AM >>>

What phone number?

>>> (b)(6); (b)(7)(C) 6/9/2016 8:20 AM >>>

That works.

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

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

(b)(6); (b)(7)(C)
Fax: 202-305-4577

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>>> (b)(6); (b)(7)(C) 6/9/2016 8:00 AM >>>

I'll call around 8:30 if that works.

>>> (b)(6); (b)(7)(C) 6/9/2016 6:34 AM >>>

(b)(6); (b)(7)(C) Do you have time to talk sometime this morning? (b)(6)

(b)(5); (b)(6); (b)(7)(C)

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

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

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

Fax: 202-305-4577

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

opened Re: Inmate email issue

From

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

To

Date

2016/06/09 08:36

Subject:

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

opened Re: Inmate email issue

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

opened Re: Inmate email issue

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

opened Re: Inmate email issue

From

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

To

Date

2016/06/09 08:19

Subject:

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

opened Re: Inmate email issue

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

opened Re: Inmate email issue

Correspondence Proposed Rule

From

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

To

Kenneth Hyle (b)(6); (b)(7)(C)

Start: 2016/04/25 10:00

End: 2016/04/25 09:30

Subject: Correspondence Proposed Rule

Place: Ken's Office

Attachments: TEXT.htm

Correspondence Proposed Rule and attorney-inmate email monitoring

Re: Fwd: Correspondence Proposed Rule

From: (b)(6); (b)(7)(C)
To: Kenneth Hyle
Date: 2016/04/25 08:14
Subject: Re: Fwd: Correspondence Proposed Rule
Attachments: TEXT.htm

Ok! Cool.

(b)(6); (b)(7)(C)
LCI - OGC, HOLC (b)(6); (b)(7)(C)
Federal Bureau of Prisons
(b)(6); (b)(7)(C)
Fax: 202-305-4577

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>>> (b)(6); (b)(7)(C) 4/25/2016 8:11 AM >>>
Today at 9:00 still works - thanks for checking in though

>>> (b)(6); (b)(7)(C) 4/25/2016 8:04 AM >>>
Do/can you still meet at 9 a.m. about this? Or would you rather reschedule? It seems like a bit much to do on your first day back. I can wait.

(b)(6); (b)(7)(C)
LCI - OGC, HOLC (b)(6); (b)(7)(C)
Federal Bureau of Prisons
(b)(6); (b)(7)(C)
Fax: 202-305-4577

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>>> (b)(6); (b)(7)(C) 4/13/2016 12:13 PM >>>
Correspondence Proposed Rule and attorney-inmate email monitoring

Re: Fwd: Prisons bureau needs to change policy on monitoring inmate emails, ABA House urges

From

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

To

Date

2016/04/13 12:18

Subject:

Re: Fwd: Prisons bureau needs to change policy on monitoring inmate emails, ABA House urges

Attachments:

TEXT.htm, Correspondence Proposed Rule.041316.docx, DOJ COMMENTS RE INMATE EMAIL.0116..docx

Background for our meeting the week of the 25th. Thanks.

>>>(b)(6); (b)(7)(C) 4/13/2016 11:49 AM >>>

I attach the proposed rule, with the inmate email sections highlighted, and DOJ's comments. I will make an appointment for one of those times. Thanks.

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

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

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

Fax: 202-305-4577

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>>> Kenneth Hyle 4/13/2016 11:41 AM >>>

Let's you, me, and (b)(6); (b)(7)(C) discuss - I am free Friday before 11 this week, or we can look to the week of 4/25 sometime.

In the meantime, can you send the proposed rule? Thanks-

>>>(b)(6); (b)(7)(C) 4/13/2016 11:37 AM >>>

Hi, (b)(6); (b)(7)(C) Can I set up a meeting to discuss this with you sometime? Or would you like me to discuss with someone else? (b)(5)

(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: 202-305-4577

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>>> (b)(6); (b)(7)(C) 4/4/2016 10:03 AM >>>

(b)(5); (b)(6); (b)(7)(C)

>>> (b)(6); (b)(7)(C) 2/17/2016 10:51 AM >>>

(b)(5); (b)(6); (b)(7)(C)

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

LCI - OGC, HOLC (b)(6); (b)(7)(C)

Federal Bureau of Prisons

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

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>>> (b)(6); (b)(7)(C) 2/10/2016 7:11 AM >>>

Hi, (b)(6); (b)(7)(C) Do you know about this? (b)(5)

(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: 202-305-4577

SENSITIVE/PRIVILEGED COMMUNICATION

Re: Fwd: Prisons bureau needs to change policy on monitoring inmate emails, ABA House urges

From Kenneth Hyle
To (b)(6); (b)(7)(C)
Date 2016/04/13 12:17
Subject: Re: Fwd: Prisons bureau needs to change policy on monitoring inmate emails, ABA House urges
Attachments: TEXT.htm

Nope - not at all -

>>> (b)(6); (b)(7)(C) 4/13/2016 12:16 PM >>>

Hope you don't mind, but I asked (b)(6); (b)(7)(C) to invite (b)(6); (b)(7)(C) Thanks.

>>> (b)(6); (b)(7)(C) 4/13/2016 11:49 AM >>>

I attach the proposed rule, with the inmate email sections highlighted, and DOJ's comments. I will make an appointment for one of those times. Thanks.

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

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

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

Fax: 202-305-4577

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>>> (b)(6); (b)(7)(C) 4/13/2016 11:37 AM >>>

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(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: 202-305-4577

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>>> (b)(6); (b)(7)(C) 4/4/2016 10:03 AM >>>

(b)(5); (b)(6); (b)(7)(C)

>>> (b)(6); (b)(7)(C) 2/17/2016 10:51 AM >>>

(b)(5); (b)(6); (b)(7)(C)

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

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

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

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>>> (b)(6); (b)(7)(C) 2/10/2016 7:11 AM >>>

Hi, (b)(6); (b)(7)(C) Do you know about this? (b)(5)

(b)(5)

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

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

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

Re: appointment with Ken & (b)(6); (b)(7)(C)
From (b)(6); (b)(7)(C)
To
Date 2016/04/13 12:12
Subject: Re: appointment with Ken & (b)(6); (b)(7)(C)
Attachments: TEXT.htm

Yes please. Thanks.

>>> (b)(6); (b)(7)(C) 4/13/2016 12:10 PM >>>

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

Should (b)(6); (b)(7)(C) be included in this meeting? Please advise!!

>>> On Wednesday, April 13, 2016 at 11:52 AM, in message <570E6B39.195 : 159 : 36289>, (b)(6); (b)(7)(C) wrote:

Hi, (b)(6); (b)(7)(C) Do you still make appointments for Ken? If so, can you please make a half-hour appointment for me with Ken & (b)(6); (b)(7)(C) for either Monday, April 25th, or Wednesday, April 27th, before 2:30 p.m.? The subject would be "Correspondence Proposed Rule and attorney-inmate email monitoring". Thank you.

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

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

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

Fax: 202-305-4577

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Re: Agenda items needed for AGC/RC meeting in April

From

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

To

Date

2016/02/10 08:52

Subject:

Re: Agenda items needed for AGC/RC meeting in April

Attachments:

TEXT.htm

Here's mine:

(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: 202-305-4577

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

(b)(6); (b)(7)(C) @bop.gov > 2/8/2016 11:17 PM >>>

Hello.

During the week of April 18th, there will be a conference for Regional Counsels and AGCs in Kansas City. This is an opportunity to disseminate LCI-related information and also discuss the important legal matters that may need input from several legal branches. As such, will you please send me a list of your suggested topics? Similar to the Exec Staff go rounds we give to Kathy, if your topic is selected, I will ask you to submit talking points and relevant background materials. Please submit your list to me **no later than February 17th.**

Please let me know if you have any questions. Thanks.

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

Federal Bureau of Prisons
320 First Street, N.W.
Washington, D.C. 20534

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

ATTORNEY/CLIENT PRIVILEGED COMMUNICATION

ATTORNEY WORK PRODUCT

SENSITIVE/PRIVILEGED COMMUNICATION

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Re: Fwd: Fw: Reminder -- Criminal Justice Advisory Board Meeting -- Tuesday, November 15th at 1:00 pm

From [redacted]
To [redacted]
Date 2016/11/15 09:04
Subject: Re: Fwd: Fw: Reminder -- Criminal Justice Advisory Board Meeting -
- Tuesday, November 15th at 1:00 pm
Attachments: TEXT.htm

[redacted]

>>> [redacted] 11/15/2016 8:27 AM >>>

[redacted]

[redacted]

>>> [redacted] 11/15/2016 8:10 AM >>>

Please see the below, additional concern raised in advance of this afternoon's meeting. The SDNY Federal Defenders laud MDC's improvement in visiting, but complain of the medical and mental health care.

>>> [redacted]@nysd.uscourts.gov> 11/14/2016 5:24 PM >>>

Hi, [redacted] I'm forwarding an email I received today from [redacted] at the Federal Defenders. The first two paragraphs refer to MCC/MDC issues, and I told [redacted] I'd be forwarding it to you.

I also wanted to check in to see if there's any progress to report on the attorney-client email issue. Let me know.

See you tomorrow.

Thanks.

RJS

Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312

Tel: [redacted]

Email: [redacted]@nysd.uscourts.gov

Fwd: Re: Attorney Email and MDC Laptop Issue

From (b)(6); (b)(7)(C)
To
Date 2016/11/08 07:31
Subject: Fwd: Re: Attorney Email and MDC Laptop Issue
Attachments: TEXT.htm

>>> (b)(6); (b)(7)(C) 11/7/2016 12:58 PM >>>

Hi Warden,

Per the below, for tomorrow's teleconference, please dial into 888-363-(b)(6); (b)(7)(C) and put in the access code 3290725.

Thank you,

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

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007
p: (b)(6); (b)(7)(C)
f: (646)836-7665

>>> (b)(6); (b)(7)(C)@nysd.uscourts.gov 11/3/2016 8:58 PM >>>

That works for me. But just a reminder that that's Election Day and therefore a federal holiday. Assuming everyone knows that and is still okay with it, let's plan on a conference call at 11:30. Everyone can dial in to 888-363-(b)(6); (b)(7)(C) and put in the access code 3290725.

And please keep pressing for answers on the attorney-client email solution, because I really wanted to announce that at the meeting on the 15th.

Thanks, (b)(6); (b)(7)(C)

R

Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312
Tel: (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

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

<(b)(6); (b)(7)(C)>@bop.g

ov>

To

<(b)(6); (b)(7)(C)>@nysd.uscourts.gov

11/03/2016 03:48 >

PM

cc

Subject

Re: Attorney Email and MDC Laptop Issue

Hi Judge Sullivan,

Tuesday, November 8, at 11:30 am works best for the Wardens, (b)(6); (b)(7)(C) and me, if it still works with your schedule.

Thank you,

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

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

p: (b)(6); (b)(7)(C)
f: (646)836-7665

>>> (b)(6); (b)(7)(C) 11/2/2016 11:49 AM >>>

Good morning Your Honor,

I am reaching out to find out which date/time works for everyone to chat with you next week, and will let you know as soon as possible. I am also

working with the MCC New York Captain to find a more permanent solution to the visiting issue at MCC. Unfortunately, I still have no definitive answer to the filter issue. There seems to have been some snag in DC and I am following up. I can address the other digital discovery issues and our actively working towards mutually beneficial solutions, as well as our videoconferencing capabilities.

Thank you,

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

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

p: (b)(6); (b)(7)(C)
f: (646)836-7665

>>> <(b)(6); (b)(7)(C)>@nysd.uscourts.gov> 11/2/2016 10:24 AM >>>

(b)(6); (b)(7)(C) I was hoping we could arrange a date and time for a conference call with the Wardens for later this week or next week to discuss the topics likely to come up at the Criminal Justice Advisory Board meeting on the 15th. Can you coordinate with the Wardens and (b)(6); (b)(7)(C) and get back to me with some dates? Looking at my schedule, I could manage Friday, November 4th at 10:00; Monday, November 7th at 11:30 or 3:30; Tuesday, November 8th at 11:30; or Thursday, November 10th at 8:30 or 4:00. Let me know if any of those work for you folks.

Also, is there any reason why the MDC laptop policy excludes paralegals? Sometimes, that's the most efficient and cost effective way to review discovery with detained defendants, particularly those who are Spanish-speakers. I've received several emails to that effect, and I think this is likely to be an issue that comes up at the CJAB meeting.

Let me know if there are any other topics you'd like to see discussed at the meeting. Do you have any more information on the filter for the attorney-client email issue?

RJS

Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312

Tel: (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

"(b)(6); (b)(7)(C)"
<(b)(6); (b)(7)(C)@bop.gov>
ov> To
(b)(6); (b)(7)(C)@nysd.uscourts.gov
10/20/2016 12:15 PM >
cc
(b)(6); (b)(7)(C)
<(b)(6); (b)(7)(C)@bop.gov>
Subject
Re: Attorney Email and MDC Laptop
Issue

Hi Judge,

I am following up on the status of the filter. While the Legal side of the house has issued guidance, we have not yet heard back as to implementation. I hope to have more to share with you prior to the meeting.

As for the pilot program at MDC, it is my understanding that the program permitting defense counsel to bring in laptops and/or hard drives is currently operational. Attached is a copy of the agreement counsel must sign in order to bring those items in (with advance notice). I am also advised that currently only attorneys are permitted to bring these electronic devices, not legal support staff (e.g paralegals/investigators).

MCC New York, on the other hand, currently asks defense counsel for 24 hours notice so that our Education Department can bring the hard drives provided by the USAO for the inmates to the attorney conference area to review on the computers there.

In other news, MCC has also recently successfully tested our videoconferencing capability with the EDNY on a high profile case. I am

looking to test our connection with the SDNY court soon.

Thank you,

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

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

p: (b)(6); (b)(7)(C)
f: (646)836-7665

>>> (b)(6); (b)(7)(C)@nysd.uscourts.gov 10/20/2016 11:48 AM >>>

Hi, (b)(6); (b)(7)(C) I just wanted to follow up with you to get an update on the attorney-client email project. Is the email "filter" up and running? I'm anxious to hear how it's going, and I'd love to be able to discuss it as a success at our next Criminal Justice Advisory Board Meeting in November.

I also wanted to alert you (and (b)(6); (b)(7)(C) and Warden Quay) to the complaint I received below about the MDC's new policy that prohibits defense counsel from bringing laptops or hard drives to review crucial discovery with their clients. I currently have a (b)(5); (b)(7)(F) with massive amounts of discovery, (b)(5); (b)(7)(F) The government produced the discovery on hard drives -- not discs -- which make the new MDC policy particularly problematic.

Give me a call or shoot me an email to discuss the first issue, and you and/or (b)(6); (b)(7)(C) can contact me regarding the second one.

Thanks.

RJS

Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312

Tel: (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

----- Forwarded by Richard Sullivan/NYSD/02/USCOURTS on 10/20/2016 11:39 AM

Fwd: Re: Attorney Email and MDC Laptop Issue

From (b)(6); (b)(7)(C)
To (b)(6); (b)(7)(C)
Date 2016/11/02 14:09
Subject: Fwd: Re: Attorney Email and MDC Laptop Issue
Attachments: TEXT.htm, LapTop Agreement.pdf

Of course we are getting hit on not allowing paralegals to bring in the laptops. MCC does not even allow laptops... come on.. Always pressing the issue.

>>> (b)(6); (b)(7)(C) 11/2/2016 11:43 AM >>>
Good morning all,

Please let me know which date and time works best for your schedules next week to have a pre-meeting conference with Judge Sullivan:

Monday 11:30 am
Tuesday 11:30 am
Thursday 8:30 am

Thank you,

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

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007
p: (b)(6); (b)(7)(C)
f: (646)836-7665

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Let me know if there are any other topics you'd like to see discussed at the meeting. Do you have any more information on the filter for the attorney-client email issue?

RJS

Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312
Tel: (b)(6); (b)(7)(C)
Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

"(b)(6); (b)(7)(C)"
<(b)(6); (b)(7)(C)@bop.gov>
ov> To
<(b)(6); (b)(7)(C)@nysd.uscourts.gov>
10/20/2016 12:15 PM >
cc
"(b)(6); (b)(7)(C)"
<(b)(6); (b)(7)(C)@bop.gov>
Subject
Re: Attorney Email and MDC Laptop
Issue

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Thank you,

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

CLC New York
Metropolitan Correctional Center
150 Park Row
New York, New York 10007

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

f: (646)836-7665

>>> (b)(6); (b)(7)(C)@nysd.uscourts.gov 10/20/2016 11:48 AM >>>

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Give me a call or shoot me an email to discuss the first issue, and you and/or (b)(6); (b)(7)(C) can contact me regarding the second one.

Thanks.

RJS

Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007-1312

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

Email: (b)(6); (b)(7)(C)@nysd.uscourts.gov

----- Forwarded by Richard Sullivan/NYSD/02/USCOURTS on 10/20/2016 11:39 AM

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

To

"Hon. Richard J. Sullivan"

10/20/2016 11:33
AM

>

(b)(6); (b)(7)(C)@nysd.uscourts.gov

cc

Subject

As always, I send out an invitation to the CJA Panel for comments in anticipation of the Criminal Advisory Meeting. I immediately received an email laying out an issue.

Apparently, there is some pilot program at the MDC which prohibits lawyers from bringing in laptops or hard drives to review discovery with their clients. This become particularly onerous in cases with high volumes of discovery because it would have to be placed on multiple CDs, which is why its produced to the defense on a hard drive to begin with. The normal procedure requires counsel to apply to bring in the hard drive, but the MDC is not permitting that now. Here is their response to a recent request:

Thank you for your email.

I'm sorry, we are still in the beginning stages of this pilot program, and as such, are not able to give you access to review the materials with your client on hard drives or lap tops. I apologize for any inconvenience this may cause, but you can enter the facility with material on CDs to review on the computers in the visiting rooms.

In this case, counsel is assigned to a large OC case with a huge volume of information and the solution proposed by the MDC, that counsel burn the files to CDs is simply not practical. Perhaps you can get an update on the program. As usual, it makes no sense.

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

Clayman & Rosenberg, LLP
305 Madison Avenue
Ste. 1301
New York, N.Y. 10165

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

Fax: 212-949-8255

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

Web: www.clayro.com

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distribute, or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

(See attached file: LapTop Agreement.pdf)

Fwd: UPDATE! BOP's Legal Hold Protocol 2018

From

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

To

Date

2018/10/02 10:26

Subject:

Fwd: UPDATE! BOP's Legal Hold Protocol 2018

Attachments:

TEXT.htm, BOP Legal Hold Notice Protocol - Updated September 12 2018.pdf

During the training last month (b)(6); (b)(7)(C) mentioned that (b)(6); (b)(7)(C) sends out emails but I had not been receiving them... So I asked (b)(6); (b)(7)(C) apparently sends it to OGC all staff. It only goes to Central Office staff, I believe. But who am I to tell (b)(6); (b)(7)(C) otherwise. Anyway, (b)(6); (b)(7)(C) added me to OGC all staff. Did you guys get this?

Long story short, I will forward you what I get in the OGC all staff.

>>> (b)(6); (b)(7)(C) 10/2/2018 7:42 AM >>>

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

I sent this one to OGC All Staff. To add yourself to the list, send an email to (b)(6); (b)(7)(C) I think (b)(6); (b)(7)(C) can arrange that.

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch
Office (b)(6); (b)(7)(C)

Cell:

I telework each Tuesday and Thursday. On those days I can be reached by email or by phone at

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

>>> (b)(6); (b)(7)(C) 9/12/2018 11:26 AM >>>

All,

Attached please find the updated version of the BOP's Legal Hold Protocol. As always, you can find a copy of the BOP's Legal Hold Protocol on Content Manager: Legal Hold Notice Application on the (b)(5)

(b)(5)

I hope you take the time to review the attached. As always, please continue to use the (b)(5) (b)(5) Feel free to contact me with any questions or comments.

Thank you.

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

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch

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

I telework each Tuesday and Thursday. On those days I can be reached by email or by phone at

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

Re: Fwd: UPDATE! BOP's Legal Hold Protocol 2018

From: (b)(6); (b)(7)(C)
To: (b)(6); (b)(7)(C)
Date: 2018/10/02 07:48
Subject: Re: Fwd: UPDATE! BOP's Legal Hold Protocol 2018
Attachments: TEXT.htm

UGGHH...

>>> (b)(6); (b)(7)(C) 10/2/2018 7:48 AM >>>

nepotism forms and then (b)(6); (b)(7)(C) has to call the people who didn't get it. HR signs off on the nepotism forms so I assume we are waiting on that. it's not official yet.

>>> (b)(6); (b)(7)(C) 10/2/2018 7:46 AM >>>

Why hasn't it been announced? I think we are all waiting for the announcement. We assumed it was not official yet!

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

>>> (b)(6); (b)(7)(C) 10/2/2018 7:45 AM >>>

I don't know if I can, let me check. what's your bopID?

Good, are you glad decision has been made? I wonder when (b)(6); (b)(7)(C) will start?

>>> (b)(6); (b)(7)(C) 10/2/2018 7:43 AM >>>

? Can you add me? PS How are you?

>>> (b)(6); (b)(7)(C) 10/2/2018 7:42 AM >>>

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

I sent this one to OGC All Staff. To add yourself to the list, send an email to (b)(6); (b)(7)(C) I think she can arrange that.

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch

Office: (b)(6); (b)(7)(C)
Cell: (b)(6); (b)(7)(C)

I telework each Tuesday and Thursday. On those days I can be reached by email or by phone at

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

>>> (b)(6); (b)(7)(C) 9/12/2018 11:26 AM >>>

All,

Attached please find the updated version of the BOP's Legal Hold Protocol. As always, you can find a copy of the BOP's Legal Hold Protocol on Content Manager: Legal Hold Notice Application (b)(5)

(b)(5)

I hope you take the time to review the attached. As always, please continue to use the (b)(5)

(b)(5) Feel free to contact me with any questions or comments.

Thank you.

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

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch

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

Re: Training

From (b)(6); (b)(7)(C)
To
Date 2018/10/02 07:40
Subject: Re: Training
Attachments: TEXT.htm

I send them to OGC All Staff and to the Regional Counsel. I ask the Regional Counsel to distribute to their staff because some people are not on the OGC All Staff list.

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch

Office (b)(6); (b)(7)(C)
Cell

I telework each Tuesday and Thursday. On those days I can be reached by email or by phone at

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

>>> (b)(6); (b)(7)(C) 10/2/2018 7:09 AM >>>

During the training you mentioned that you sent out (b)(5) (b)(5) and you recently sent out the new protocol. I am not receiving these emails. To whom are you sending these emails?

Thanks!

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

Re: UPDATE! BOP's Legal Hold Protocol 2018

From (b)(6); (b)(7)(C)
To
Date 2018/09/12 11:26
Subject: Re: UPDATE! BOP's Legal Hold Protocol 2018
Attachments: text.htm

I am out of the office, returning Monday, October 1, 2018.

If you need assistance on an ELB matter, please call (b)(6); (b)(7)(C)

If you've emailed regarding an MDC Brooklyn matter, please be advised that I no longer work at MDC Brooklyn. For assistance, please call (b)(6); (b)(7)(C) and ask to speak to the Legal Department or Duty Officer.

>>> (b)(6); (b)(7)(C) 09/12/18 11:26 >>>

All,

Attached please find the updated version of the BOP's Legal Hold Protocol. As always, you can find a copy of the BOP's Legal Hold Protocol on Content Manager: Legal Hold Notice Application on the (b)(5)

(b)(5)

I hope you take the time to review the attached. As always, please continue to use the (b)(5) (b)(5) Feel free to contact me with any questions or comments.

Thank you.

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

Federal Bureau of Prisons
Office of General Counsel
Litigation Branch
Office: (b)(6); (b)(7)(C)
Cell: (b)(6); (b)(7)(C)

I telework each Tuesday and Thursday. On those days I can be reached by email or by phone at

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

From: (b)(6); (b)(7)(C)
To:
CC:
Date: 2/12/2016 8:20 AM
Subject: Re: Fwd: TRULINCS Atty Client priv

Thanks - I had seen an article earlier in the week on the topic and just read the Newsclip one. Interesting, not thoroughly accurate and in my humble view "troubling" that the ABA feels the need to get so actively involved without all the facts - and as equally troubling - that this likely all started (b)(5)

(b)(5); (b)(6); (b)(7)(C)

P.S. - Considering the very first article is just plain WRONG (the inmate (b)(6); (b)(7)(C) and is safely housed at VIP) it is a good reminder that we should not believe everything we read in the "paper"!

>>> (b)(6); (b)(7)(C) 2/11/2016 5:46 PM >>>
FYI, if you haven't seen News Clips.

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

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

Federal Bureau of Prisons
Western Regional Office
7338 Shoreline Drive
Stockton, CA 95219

(b)(6); (b)(7)(C)
Fax (209) 956-9795

**PLEASE NOTE THAT STARTING MONDAY, SEPTEMBER 3, 2012, I TELEWORK ON WEDNESDAYS AND FRIDAYS, 7:30 - 4:00. I CAN BE REACHED VIA E-MAIL, OR AT (b)(6); (b)(7)(C) **
SENSITIVE/PRIVILEGED COMMUNICATION

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>>> (b)(6); (b)(7)(C) 2/11/2016 2:07 PM >>>

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

FYI, see attached re: an ABA resolution concerning TRULINCS.

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

(b)(6); (b)(7)(C)
FDC Honolulu | T: (b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
To: NER ATTYS
CC: Hyle, Kenneth; (b)(6); (b)(7)(C)
Date: 6/20/2017 1:57 PM
Subject: Fwd: TRULINCS Filter for Specific Emails
Attachments: 2017_06_20_13_18_03.pdf

Colleagues -

FYI - Please see attached memo that addresses an issue that has been at the forefront of concerns by the Federal Court in EDNY and SDNY. If you have questions or concerns, or need any background information, please let me know.

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

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

Northeast Region - Federal Bureau of Prisons

(b)(6); (b)(7)(C)
Fax # 215-521-7483

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>>> BOP-OGC/Assistant Director~ 6/20/2017 1:20 PM >>>
Please see attached.

Referred to BOP

From: (b)(6); (b)(7)(C)
To: (b)(6); (b)(7)(C)
Subject: RE: TRULINCS - Law Enforcement Requests for E-Mail MessagesandData
Date: Tuesday, May 5, 2009 1:45:41 PM
Attachments: 5265_013.pdf

Here it is...

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

Building: NGIC-VA, Room (b)(6)
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

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

(b)(6); (b)(7)(C) GangTECC Office
BOP Intelligence Office
Blackberry

For information on GangTECC, go to <http://www.usdoj.gov/criminal/gangtecc/>

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>>> "(b)(6); (b)(7)(C)@usdoj.gov" <(b)(6); (b)(7)(C)@usdoj.gov> 5/5/2009 1:28 PM >>>
Thx.

Attached was the EOUSA guidance -- but not the BOP policy document. Can you get that for me? Thx.

-----Original Message-----

From: (b)(6); (b)(7)(C)@bop.gov]

Sent: Tuesday, May 05, 2009 1:21 PM

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

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

Subject: Fwd: TRULINCS - Law Enforcement Requests for E-Mail Messagesand Data

Please, no subpoenas for inmate e-mail.

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

Building: NGIC-VA, Room (b)(6)

Referred to BOP

935 Pennsylvania Avenue, NW
Washington, D.C. 20535

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

(b)(6); (b)(7)(C) GangTECC Office
BOP Intelligence Office
Blackberry

For information on GangTECC, go to
<http://www.usdoj.gov/criminal/gangtecc/>

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>>> (b)(6); (b)(7)(C) 5/5/2009 10:27 AM >>>

See attached memo that was sent out to all US Attorneys concerning obtaining electronic messages.

>>> (b)(6); (b)(7)(C) 5/5/2009 8:44 AM >>>

Please see the attached memorandum that was distributed to U.S. Attorneys Offices nationwide, with regard to instructions for requesting inmate e-mail content and data from the Bureau of Prisons.

Feel free to further distribute this information to Bureau staff as you deem appropriate.

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

Legislative & Correctional Issues Branch
Federal Bureau of Prisons
Central Office, HOLC-977A
320 First Street, N.W.
Washington, D.C. 20534

(w) (b)(6); (b)(7)(C)
(mobile) (b)(6); (b)(7)(C)
(fax) 202-307-2995
e-mail: (b)(6); (b)(7)(C)@bop.gov

SENSITIVE/PRIVILEGED COMMUNICATION

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From: (b)(6); (b)(7)(C)
To: (b)(6), (b)(7)(C)
Subject: RE: inmate e-mail system
Date: Tuesday, March 24, 2009 12:01:31 PM

Why don't you give me a call when you get a chance so I have a better understanding of your questions.

Thanks.

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

Legislative and Correctional Issues Branch
Office of General Counsel
Federal Bureau of Prisons
pho (b)(6); (b)(7)(C)
fax: (202) 307-2995

>>> (b)(6), (b)(7)(C) @usdoj.gov> 3/24/2009 11:59 AM >>>

Thanks, (b)(6); (b)(7)(C) Is (b)(6); (b)(7)(C) an attorney? While we have some questions about technical configuration, there are also some legal & policy issues we'd like to discuss.

-----Original Message-----

From: (b)(6); (b)(7)(C) [mailto:(b)(6); (b)(7)(C) @bop.gov]
Sent: Monday, March 23, 2009 4:50 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: inmate e-mail system

Hi. In regard to your request to discuss the BOP inmate e-mail system (TRULINCs) with someone knowledgeable, I have asked (b)(6); (b)(7)(C) in our Administrative Division, to give you a call tomorrow.

Thanks.

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

Legislative and Correctional Issues Branch
Office of General Counsel
Federal Bureau of Prisons
pho (b)(6); (b)(7)(C)
fax: (202) 307-2995

Referred to BOP

From: (b)(6); (b)(7)(C)
To: (b)(6), (b)(7)(C)
Subject: RE: inmate e-mail system
Date: Tuesday, March 24, 2009 12:07:52 PM

You may want to go to our website and check out the policy on this program. Go to www.bop.gov and click on the policy section. The policy is: Trust Fund Limited Inmate Computer System (TRULINCS) - Electronic Messaging, PS 5265.13. It was just updated on 2/19/09.

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

Legislative and Correctional Issues Branch
Office of General Counsel
Federal Bureau of Prisons
phone: (b)(6); (b)(7)(C)
fax: (202) 307-2995

>>> (b)(6), (b)(7)(C)@usdoj.gov> 3/24/2009 11:59 AM >>>

Thanks, (b)(6); (b)(7)(C) Is (b)(6); (b)(7)(C) an attorney? While we have some questions about technical configuration, there are also some legal & policy issues we'd like to discuss.

-----Original Message-----

From: (b)(6); (b)(7)(C) [mailto:(b)(6); (b)(7)(C)@bop.gov]
Sent: Monday, March 23, 2009 4:50 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: inmate e-mail system

Hi. In regard to your request to discuss the BOP inmate e-mail system (TRULINCS) with someone knowledgeable, I have asked (b)(6); (b)(7)(C) in our Administrative Division, to give you a call tomorrow.

Thanks.

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

Legislative and Correctional Issues Branch
Office of General Counsel
Federal Bureau of Prisons
phone: (b)(6); (b)(7)(C)
fax: (202) 307-2995

Referred to BOP

From: (b)(6); (b)(7)(C)
To: (b)(6), (b)(7)(C)
Cc: (b)(6); (b)(7)(C)
Subject: inmate e-mail system
Date: Monday, March 23, 2009 4:50:48 PM

Hi. In regard to your request to discuss the BOP inmate e-mail system (TRULINCs) with someone knowledgeable, I have asked (b)(6); (b)(7)(C) in our Administrative Division, to give you a call tomorrow.

Thanks.

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

Legislative and Correctional Issues Branch
Office of General Counsel
Federal Bureau of Prisons
ph: (b)(6); (b)(7)(C)
fax: (202) 307-2995

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 SET/SIS~@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 SET/SIS~@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

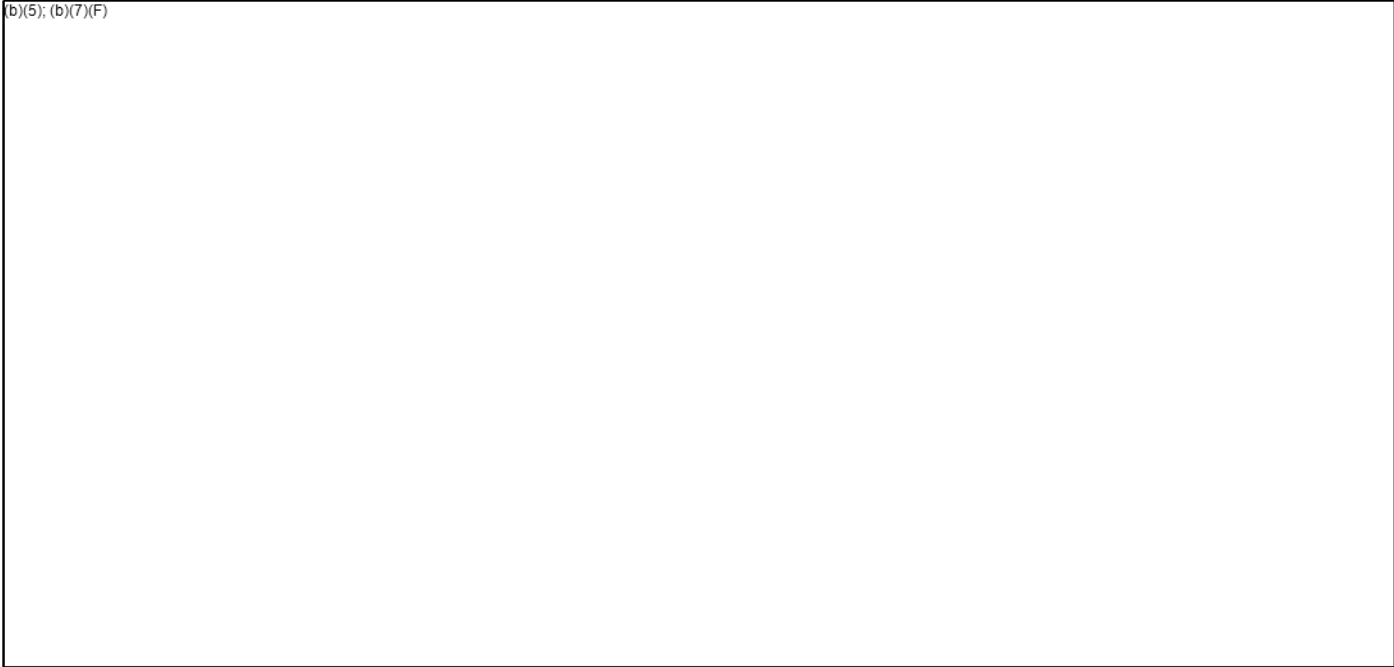
Inmates who are cooperating with law enforcement may need to be separated from the targets of their cooperation if they are detained in the same facility. For FDC SeaTac, address separation requests to the Case Management Coordinator at SET/CMC@bop.gov. The separation request should identify the individuals 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)



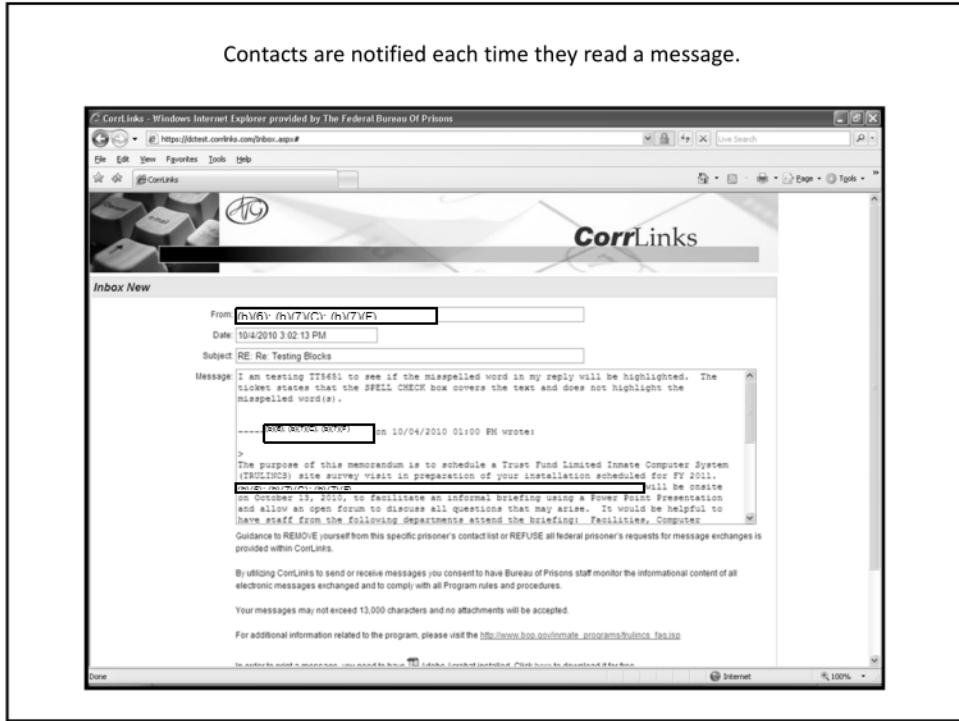
G. Resources

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

updated 6/14/2018

REFER TO BOP

Contacts are notified each time they read a message.



ADDITIONAL INSTRUCTIONS

Package Requirements:

- *All CD/DVD(s) must be in paper sleeve.*
- *All media must be labeled clearly with the inmate's name, register number and federal case number.*
- *No other items aside from the Discovery Material Authorization Form and a summary statement will be accepted in the package.*
- *The package must be labeled as "Special/Legal Mail- Open Only in the Presence of the Inmate" the sender must be clearly identified as an attorney.*
- *If the discovery is subject to a Protective Order, please contact FDC SeaTac Attorney [REDACTED] or [REDACTED]@usdoj.gov to make arrangements for production prior to mailing the discovery.*

EOUSA, b6, b7C

(USAWAW)

From: [redacted]@bop.gov>
Sent: Wednesday, July 30, 2014 8:30 AM
To: [redacted] (USAWAW)
Subject: TRULINCS
Attachments: Consent Notifications_1_2.pptx; TRULINCS.JPG; TRULINCS picture 2.JPG

EOUSA
b6, b7C

Here are the TRULINCS notifications to the inmate and the recipient of the TRULINCS electronic message. The pictures are of the "login" screen for the inmates and the warning/responsibility/acknowledgment screen that the inmates see and must accept before messaging.

Please give me a call with any questions.

[redacted]

[redacted]

Federal Detention Center SeaTac
 2425 S. 200th Street
 SeaTac, WA
 tel: [redacted]
 fax: (206) 870-1036

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Refer to BOP

From: (b)(6); (b)(7)(C)@bop.gov]
Sent: Wednesday, November 02, 2011 11:19 AM
To: EOUSA b5, (USAWAW)
Subject: Re: FDC email

Hi EOUSA b5,

Please see attached. If that is not what you are looking for let me know. Thanks

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

FDC SeaTac
2425 S. 200th Street
SeaTac, WA 98198
pho (b)(6); (b)(7)(C)
fax: 206-870-1036

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EOUSA b5, b6, b7C



U.S. Department of Justice

Federal Detention Center

Federal Bureau of Prisons

SeaTac, Washington 98198

DATE:

MEMORANDUM TO: _____

FROM: [b)(6); (b)(7)(C)] **Special Investigative Agent**

SUBJECT: Destruction of subpoenaed records, being held as evidence:

Our records indicate you have subpoenaed records from the Federal Detention Center in SeaTac, Washington. Compliance with your subpoena request has resulted evidence being held. Once the evidence being held for your agency no longer is needed we request you notify this office.

Our agency is required to hold all evidence for an indefinite period, or until the requesting agency requests it's destruction. Since you have requested these recordings and because of it's potential use as evidence, they will not be destroyed until written approval has been received.

If these subpoenaed records can be destroyed, please notify this office in writing as soon as possible. Enclosed is a short memorandum which may be used as your written notification to release the evidence.

Your assistance with this matter is appreciated. I look forward to working with you in the future.

Sincerely,

[b)(6); (b)(7)(C)] **Special Investigative Agent**

Phone: [b)(6); (b)(7)(C)]

FAX #: 206-870-1042

Enclosure:
MEMORANDUM

MEMORANDUM FOR RECORD

DATE: _____

SUBJECT: You may release below listed evidence that was requested by our office which is currently being held as evidence at FDC SeaTac pursuant to Subpoena requesting said evidence and the evidence is no longer needed.

Requester's Name: _____

Agency Name: _____

ECN #: _____

To: (b)(6); (b)(7)(C) Special Investigative Agent
FDC SeaTac, Seattle, Washington

(XX) I authorize the release of evidence control number, ECN#: _____. Being held as evidence at the Federal Detention Center in Seattle, Washington pursuant to the above referenced case.

Printed Name / Signature

Date

Once this Memorandum is filled out and signed, please return this memorandum either by fax or mail to:

(b)(6); (b)(7)(C) (SeaTac)
Special Investigative Agent
Federal Detention Center
P.O. Box 13901
Seattle, Washington 98198
or
FAX to (206) 870-1042

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 Jerry Lee Ausborn		Register No. #38209-086
FBI NO	SSN	DOB
Principal Alias		
Offense(s): Sex Trafficking	Sentence	
Criminal Affiliations	Position in Organization	
Nature of Investigation		
Starting Date for Requested Transactional Data Time: incarcerated at FDC.		Use date defendant was
Ending Date for Requested Transactional Data: Through the present		
List Any Known Target Telephone Numbers to Be Searched For		
Other Specific Requests/recommendations Copies of all emails		
Submitting Agency: USAO	Office/district: Western District of Washington	Date: August 3, 2009
Requesting AUSA: Bruce F. Miyake	Phone Number: (206) 553-2077	Ext: 4986
Fax: (206) 553-4986		
<u>Supervisory Assistant United States Attorney</u>		
Printed Name: Todd Greenberg	Signature	
<p>This form should be submitted directly to the Warden of the institution in which the person in Bureau of Prisons custody is incarcerated. In cases where the institution is not known, the form should be mailed directly to Bureau of Prisons, intelligence Section, at 320 First Street, N.W., Room #541, Washington, D.C. 20534. Advance notification may be made via fax (202) 307-3001.</p>		

Refer to BOP

From: [REDACTED]
To: [REDACTED] EOUSA b6, b7C (USACO)
Subject: RE: [REDACTED] Request to Supplement Discovery
Date: Tuesday, April 17, 2018 8:48:55 AM
Attachments: TRULINCS Monitoring 4-17-18.docx

Attached are photos from a TRULINCS PowerPoint presentation which show the various notices sent to the community person and inmate, plus the inmate signs a more detailed general notice that flags the monitoring aspect. Thanks.

[REDACTED]
[REDACTED]

>>> [REDACTED] 4/17/2018 6:20 AM >>>

EOUSA b6, b7C

In Program Statement 4500.12 (and its predecessors), "[i]nmates may place attorneys, 'special mail' recipients, or other legal representatives on their public email contact list, with the acknowledgment that public emails exchanged with such individuals will not be treated as privileged communications and will be subject to monitoring." Also, when an individual consents to receive emails, that person is activated on the inmate's email contact list and receives a notice that says, among other things, that the community person consents to have Bureau staff monitor the content of all emails and agrees to comply with the program rules and procedures.

Thanks.

[REDACTED]

[REDACTED]

United States Department of Justice
Federal Bureau of Prisons

Colorado Consolidated Legal Center
5880 Highway 67 South
P.O. Box 8500
Florence, CO 81226

[REDACTED]

(719) 784-5285 (fax)

E-Mail: [REDACTED]@bop.gov

[REDACTED]@usdoj.gov

EOUSA b5, b6, b7C



From: [REDACTED]@bop.gov>

Refer to BOP

Refer to BOP

Sent: Monday, April 09, 2018 10:59 AM

To: EOUSA b6, b7C, USACO) b6, b7C @usa.doj.gov>

Cc: (b)(6); (b)(7)(C) @bop.gov>; (b)(6); (b)(7)(C) @bop.gov>

Subject: (b)(6); (b)(7)(C); (b)(7)(F) Request to Supplement Discovery

Good morning Mr. EOUSA b6, b7C

Attached are all of inmate (b)(6); (b)(7)(C); (b)(7)(F) emails from 11-09-2015 through this morning (04-09-2018).

Respectfully Submitted,

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

Federal Correctional Complex Terre Haute
4200 Bureau Road North
Post Office Box 33
Terre Haute, Indiana 47808-0033
(812) 238-(b)(6); (b)(7)(C) extension (b)(6); (b)(7)(C)

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>>> (b)(6); (b)(7)(C) 4/9/2018 12:49 PM >>>

Please send the updated e-mails to (b)(6); (b)(7)(C) and EOUSA b6, b7C

EOUSA b5, b6, b7C

EOUSA WIF b5, b6, b7C

Refer to BOP

From: (b)(6); (b)(7)(C)
To: EOUSA b6, b7C (USACO)
Subject: Re: (b)(6); (b)(7)(C) Emails and Account Balance
Date: Thursday, November 17, 2016 10:11:42 AM

I apologize for the delay. We've been swamped here this week. I'll make this a priority and get the info to you today.

(b)(6); (b)(7)(C)
FCI Englewood
9595 W. Quincy Ave.
Littleton, CO 80123
Ph: (303) 763-4300 ext (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)@bop.gov

EOUSA b5, b6, b7C



From: (b)(6); (b)(7)(C)@bop.gov]
Sent: Monday, November 14, 2016 11:10 AM
To: EOUSA b6, b7C (USACO) >
Subject: Re: (b)(6); (b)(7)(C); (b)(7)(F) Emails and Account Balance

Refer to BOP

Just fill out the attached document, sign it and scan back to me. Once I get it back from you, I'll email you everything we've got.

(b)(6); (b)(7)(C)
FCI Englewood

Refer to BOP

9595 W. Quincy Ave.

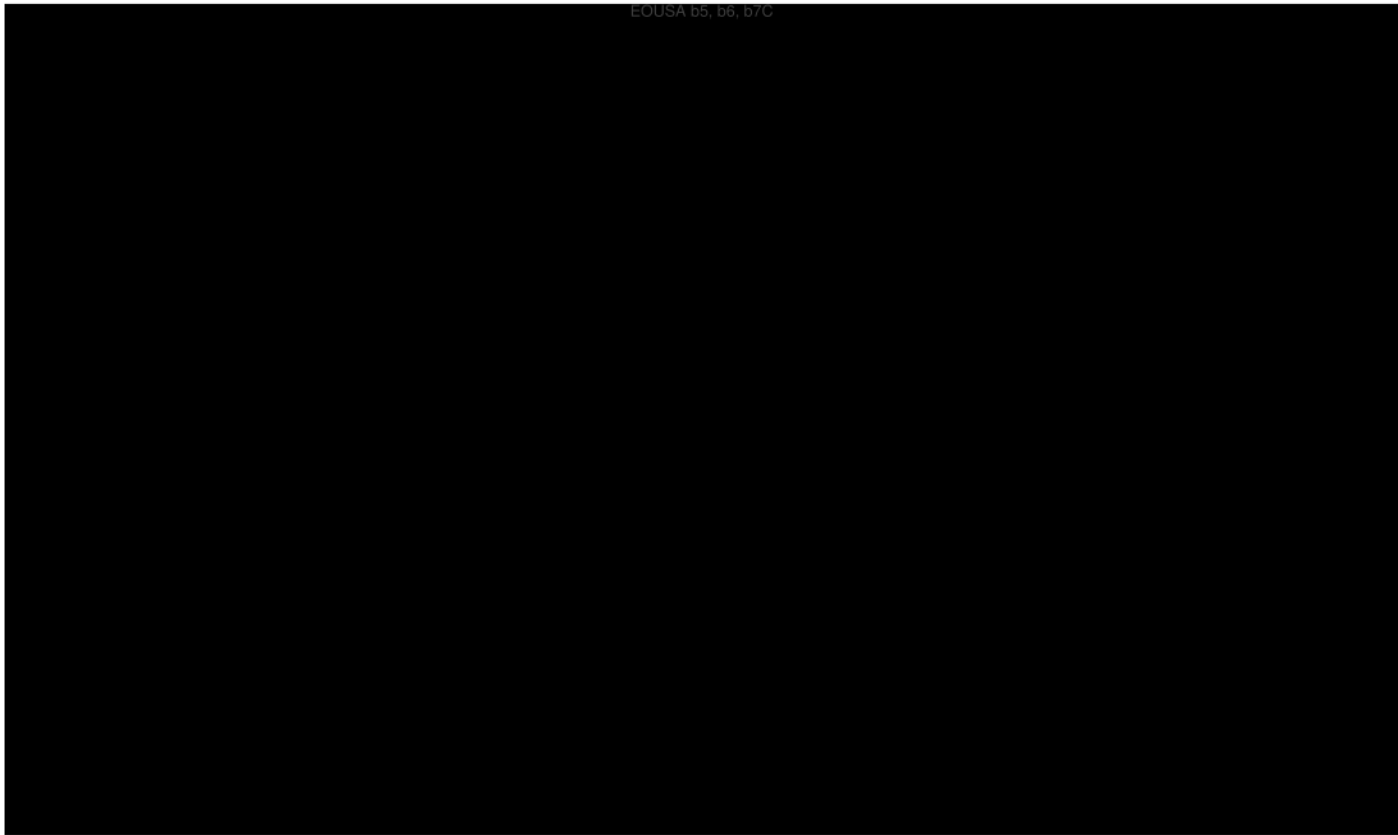
Littleton, CO 80123

Ph: (303) 763-4300 ext. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) @bop.gov

EOUSA b5, b6, b7C





Refer to BOP

From: [redacted]@bop.gov
Sent: Friday, May 29, 2009 2:02 PM
To: EOUSA b6, b7C (USAEO)
Cc: [redacted] Kathleen M. Kenney
Subject: Production of BOP Inmates' e-mails

EOUSA b6, b7C

BOP's attorney at the Federal Detention Center (FDC) Honolulu is [redacted] who can be reached at [redacted]

The USAO folks she's been dealing with on this issue are [redacted] and [redacted]

I will let BOP attorneys know that you are serious about being contacted on this issue should controversies continue to arise. Thank you for your involvement. [redacted]
[redacted] I would very much appreciate seeing such.

[redacted]
Legislative & Correctional Issues Branch
Federal Bureau of Prisons
Central Office, HOLC-977A
320 First Street, N.W.
Washington, D.C. 20534
(w) [redacted]
(mobile) [redacted]
(fax) 202-307-2995
e-mail: [redacted]@bop.gov

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

FDC Honolulu
351 Elliott Street
Honolulu, HI 96819

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

Fax: (808) 838-4510

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>>> (b)(6); (b)(7)(C) 6/1/2009 7:51 AM >>>
John,

Thanks for the info. After reading it, I have a couple concerns:

(b)(5)

Thanks.

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

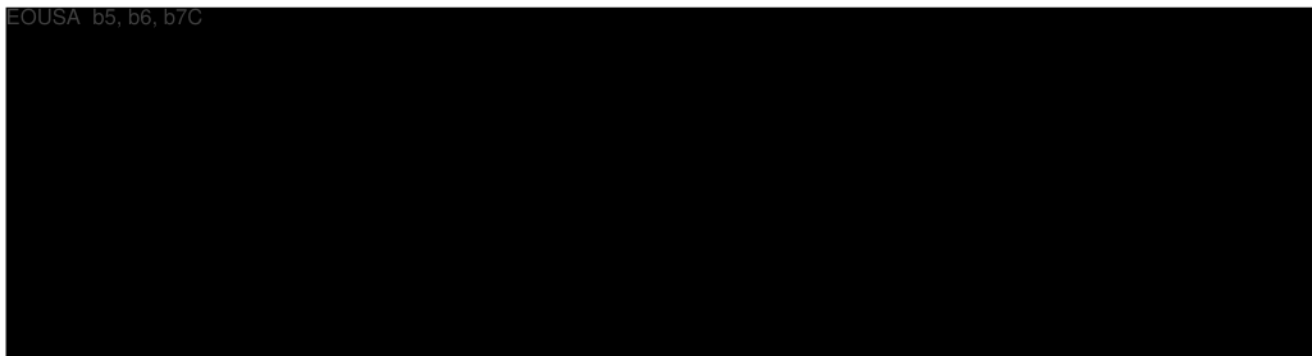
Legislative & Correctional Issues Branch
Federal Bureau of Prisons
Central Office, HOLC-977A
320 First Street, N.W.
Washington, D.C. 20534

(w) (b)(6); (b)(7)(C)
(mobile) (b)(6); (b)(7)(C)
(fax) 202-307-2995
e-mail: (b)(6); (b)(7)(C)@bop.gov

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EOUSA b5, b6, b7C



(b)(5)

EOUSA b5, b6, b7C

From: [redacted] [mailto:[redacted]@bop.gov]
Sent: Monday, June 01, 2009 1:52 PM
To: Sciortino, John (USAEO)
Cc: [redacted]
Subject: RE: Production of BOP Inmates' e-mails

Refer to BOP

John,

Thanks for the info. After reading it, I have a couple concerns:

[redacted]

Thanks.

[redacted]

Legislative & Correctional Issues Branch
Federal Bureau of Prisons
Central Office, HOLC-977A
320 First Street, N.W.
Washington, D.C. 20534
(w) [redacted]
(mobile) [redacted]
(fax) [redacted]
e-mail: [redacted]@bop.gov

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--

----- Original message -----

From: (b)(6); (b)(7)(C)@bop.gov Refer to BOP
Date: 07/06/2016 8:35 AM (GMT-06:00)
To: "(b)(6); (b)(7)(C) (OM) (FBI)" <(b)(6); (b)(7)(C)@ic.fbi.gov>
Subject: RE: (b)(6); (b)(7)(C) Subpoena

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

Alright, this is what i've found out about the inmates being notified of their emails and phone calls being monitored. Inmates are required to enter their Pin#, Pac#, and their voice has to be recognized by our voice recognition system to be able to use their phone, and at the beginning of the call it is stated that the phone call is recorded and subject to be monitored before the conversation even starts between the inmate and outside civilian and both parties can hear this recording. As far as emails, they are required to enter their Pin#, Pac#, and provide their fingerprint to be able to access their email. The emails are through CorrLinks system, and every time the inmate logs on to the computer, they check a box that agrees to the terms of service, in those terms it states that they understand that emails are monitored. Also the outside civilian that they email has to register with Corrlinks, agreeing to the same terms so both parties are notified.

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

Federal Correctional Complex-Hazleton
Special Investigation Services
P.O. Box 450
Sky View Drive
Bruceton Mills, WV 26525

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

>>> (b)(6); (b)(7)(C) (OM) (FBI)" <(b)(6); (b)(7)(C)@ic.fbi.gov> 7/5/2016 4:30 PM >>>
I totally understand. Thanks for your help!

--

----- Original message -----

From: (b)(6); (b)(7)(C)@bop.gov Refer to BOP
Date: 07/05/2016 3:29 PM (GMT-06:00)
To: "(b)(6); (b)(7)(C) (OM) (FBI)" <(b)(6); (b)(7)(C)@ic.fbi.gov>
Subject: RE: (b)(6); (b)(7)(C) Subpoena

Refer to BOP

I just sent the Subpeona off to our legal department. I'm staying late tonight, so if they get it back to me, I will email you those calls tonight. Being that it's 4:26 p.m. east coast time, not sure anyone is still in their office. I will get those calls emailed to you as soon as possible in the morning if not tonight, I just have to hear back from our legal department first.

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

Federal Correctional Complex-Hazelton
Special Investigation Services
P.O. Box 450
Sky View Drive
Bruceton Mills, WV 26525

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

>>> (b)(6); (b)(7)(C) (OM) (FBI)" (b)(6); (b)(7)(C)@ic.fbi.gov> 7/5/2016 4:23 PM >>>

Thanks for the information (b)(6); (b)(7)(C) Is there any chance you can email me the phone calls from June 28 and June 29th, then follow up with the CD tomorrow? If not, I understand. We are just trying to pin down a person involved in a bank robbery as soon as we can.

--

----- Original message -----

Refer to BOP

From: (b)(6); (b)(7)(C)@bop.gov
Date: 07/05/2016 3:19 PM (GMT-06:00)
To: (b)(6); (b)(7)(C) (OM) (FBI)" (b)(6); (b)(7)(C)@ic.fbi.gov>
Subject: Re: (b)(6); (b)(7)(C) Subpoena

I will have to get back with you about the emails, I want to double check with our Inmate Trust Funds Account Manager before I give you any wrong information. I know that we notify the inmates that their phone calls will be monitored, and I believe we notify them of monitoring their emails as well, but I wanna make sure of that. We do monitor emails and phone calls for institutional security. The accounts are identified to the inmate by their PAC number, which is similar to a password that they have to enter to use the phone and email. I unfortunately cannot overnight the phone calls, but they will be sent out via FED EX tomorrow morning.

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

Federal Correctional Complex-Hazelton
Special Investigation Services
P.O. Box 450
Sky View Drive
Bruceton Mills, WV 26525

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

>>> (b)(6); (b)(7)(C) (OM) (FBI)" (b)(6); (b)(7)(C)@ic.fbi.gov> 7/5/2016 4:09 PM >>>

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

Is there a way you could overnight me the phone calls? My address is on the subpoena. Thank you so much for your assistance.

SA (b)(6);
FBI Omaha Division - Quad Cities RA
(b)(6); (b)(7)(C) Direct
(b)(6); (b)(7)(C) cell)

From: (b)(6); (b)(7)(C)
To: (b)(6); (b)(7)(C) (USACAS)
Subject: BOP inmate phone and email policies
Date: Monday, August 26, 2019 5:48:43 PM
Attachments: BOP national phone policy.pdf
Arciero decision.pdf
FDC Hon local email policy.pdf

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

(b)(5)

I've attached BOP's national inmate telephone policy. Inmates add contacts themselves and identify the individuals on their own. (b)(7)(E) "Inmates may submit telephone numbers for any person they choose, including numbers for courts, elected officials and members of the news media. Attorneys may be included on an inmate's telephone list with the understanding that such calls are subject to monitoring." pp. 7. Monitoring is generally permitted via 28 CFR 540.102. pp. 10, which specifically discusses arrangements for unmonitored legal calls. **All inmates sign a consent to phone and mail monitoring form upon intake.** I can request (b)(6); (b)(7)(E) if you need it - let me know. The consent form specifically states: "A properly placed call to an attorney is not monitored. You must contact your unit team to request an unmonitored attorney call." (b)(7)(E)

Also attached is the local FDC Honolulu policy for inmate email. "Inmates must consent to have all incoming and outgoing electronic messages monitored, read, and retained by Bureau staff." pp. 6. "Inmates may place their attorney or other legal representative on their electronic message contact list, with the understanding that electronic message exchanges with such individuals will not be treated as privileged communications, and will be subject to monitoring." pp. 7. (b)(5)

(b)(5); (b)(6); (b)(7)(C)

Let me know if this does the job.

Thanks,

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

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

US Department of Justice | Federal Bureau of Prisons
FDC Honolulu | PO Box 30547 | Honolulu, HI 96820
T: (b)(6); (b)(7)(C) E: (b)(6); (b)(7)(C) @bop.gov

From: [redacted] (USAPAE)
To: [redacted] (USAEQ); [redacted]
Cc: (b)(6), (b)(7)(C)
Subject: RE: Production of BOP Inmates' e-mails
Date: Friday, May 29, 2009 2:38:21 PM

[redacted] EOUSA b5, b6, b7C

From: [redacted] (USAEQ)
Sent: Friday, May 29, 2009 2:17 PM
To: [redacted]
Cc: [redacted] (USAPAE) (b)(6), (b)(7)(C) (CRM)
Subject: RE: Production of BOP Inmates' e-mails

[redacted] EOUSA b5, b6, b7C

From: [redacted]@bop.gov] Refer to BOP
Sent: Friday, May 29, 2009 2:02 PM
To: [redacted] (USAEQ)
Cc: [redacted] Kathleen M. Kenney
Subject: Production of BOP Inmates' e-mails

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

BOP's attorney at the Federal Detention Center (FDC) Honolulu is [redacted] who can be reached at [redacted]

[redacted] EOUSA b6, b7C in dealing with on this issue are [redacted] EOUSA b6, b7C, and [redacted] EOUSA b6, b7C

(b)(5)	
(b)(5)	Thank you for your involvement. (b)(5)
(b)(5)	

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

Legislative & Correctional Issues Branch
Federal Bureau of Prisons
Central Office, HOLC-977A
320 First Street, N.W.
Washington, D.C. 20534

(w) (b)(6); (b)(7)(C)
(m) (b)(6); (b)(7)(C)
(fax) 202-307-2995
e-mail: (b)(6); (b)(7)(C)@bop.gov

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From: (b)(6); (b)(7)(C)
To: (b)(6); (b)(7)(C)
Subject: Fwd: TRULINCS - Law Enforcement Requests for E-Mail Messages and Data
Date: Tuesday, May 5, 2009 1:21:34 PM
Attachments: requests for inmate e-mails - EOUSA 2009-05-04.pdf

Please, no subpoenas for inmate e-mail.

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

FBIHQ-GangTECC
Building: NGIC-VA, Room 405
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

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

(b)(6); (b)(7)(C) GangTECC Office
BOP Intelligence Office
Blackberry

For information on GangTECC, go to <http://www.usdoj.gov/criminal/gangtecc/>

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>>> (b)(6); (b)(7)(C) 5/5/2009 10:27 AM >>>

See attached memo that was sent out to all US Attorneys concerning obtaining electronic messages.

>>> (b)(6); (b)(7)(C) 5/5/2009 8:44 AM >>>

Please see the attached memorandum that was distributed to U.S. Attorneys Offices nationwide, with regard to instructions for requesting inmate e-mail content and data from the Bureau of Prisons.

Feel free to further distribute this information to Bureau staff as you deem appropriate.

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

Legislative & Correctional Issues Branch
Federal Bureau of Prisons
Central Office, HOLC-977A
320 First Street, N.W.
Washington, D.C. 20534

(w) (b)(6); (b)(7)(C)
(mc) (b)(6); (b)(7)(C)
(fax) 202-307-2995

e-mail: [REDACTED]@bop.gov

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WIF (b)(5), (b)(6) & (b)(7)(C) (CRM)

From: (b)(6); (b)(7)(C) [mailto:(b)(6); (b)(7)(C)@bop.gov]
Sent: Tuesday, March 01, 2016 3:54 PM
To: (b)(6); (b)(7)(C) (USAMD)
Subject: Re: VideoChats

Hi, (b)(6); (b)(7)(C) I spent a good portion of the day working on this matter. Turns out we have begun video visiting at a few institutions, including Alderson. I'm still playing catch up, but it looks like Alderson was one of, if not the first institutions to come on line. Thus, the references to video-chatting don't seem to be some nefarious conduct on the inmate's part.

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

(b)(6); (b)(7)(E)

All of that to say, "yes" we do monitor these calls. Indeed, we have determined that, like our e-mails, they are not a means of confidential communication. By access the service, inmates agree that their calls may be monitored and that there are no privileged video communications.

With that knowledge, let me know if you have further questions or want to pursue the matter.

Thanks.

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

Mid-Atlantic Region
Federal Bureau of Prisons
302 Sentinel Dr., Ste. 200
Annapolis Junction, MD 20701

ph (b)(6); (b)(7)(C)
bb

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>>> (b)(6); (b)(7)(C) USAMD" <(b)(6); (b)(7)(C)@usdoj.gov> 2/29/2016 4:18 PM >>>

Thanks. (b)(6); (b)(7)(C) is at (b)(6); (b)(7)(C) to extent it helps.

On Feb 29, 2016, at 4:01 PM, (b)(6); (b)(7)(C)@bop.gov <mailto:(b)(6); (b)(7)(C)@bop.gov> wrote:

(b)(6); (b)(7)(C) I'm not aware of any BOP institutions where we are doing video-visiting or video chatting. Sounds like you might have uncovered misconduct or a crime if they have a cell phone inside a facility.

I'm walking out the door, but let's chat on Tuesday to be sure. I'd like to put out some feelers to see if we have a pilot somewhere - we do telemedicine and telepsychiatry and there has been growing discussion of video visiting where inmates are too far from home for their families to visit. I just hadn't heard of that occurring yet.

Thanks.

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

Mid-Atlantic Region
Federal Bureau of Prisons
302 Sentinel Dr., Ste. 200
Annapolis Junction, MD 20701

ph (b)(6); (b)(7)(C)
bb

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>>> [REDACTED] (USAMD)" [REDACTED]@usdoj.gov<mailto:[REDACTED]@usdoj.gov>> 2/29/2016 3:33 PM >>>

[REDACTED]
[REDACTED]

I made a transactional request for prisoner emails recently and from the emails, I can tell my defendants are video chatting with folks. Is there any system set up to monitor such video chats - as there exists with email? Or is it more like visits, and the only thing we can find out is the address to which the video chat is occurring? Thanks for any information you can share.

Best regards,

[REDACTED]
[REDACTED]

From: (b)(6); (b)(7)(C)
To: (b)(6) & (b)(7)(C)
Cc:
Subject: Re: Request for calls and emails from pretrial inmate - (b)(6); (b)(7)(C)
Date: Tuesday, October 16, 2018 5:45:54 PM
Attachments: [Sample Subpoena.pdf](#)
[go-by law enforcement request for records letter2015 \(MS\).docx](#)
[Law Enforcement Request for Telephone Calls,Emails.pdf](#)
[Requesting Email Communications 2009-05-04 1.pdf](#)

Hi (b)(6) & (b)(7)(C)

Good afternoon. I began to review the subpoena, but I cannot approve it as drafted.

(b)(5)

You can send the amended subpoena and law enforcement request to me.

Guidance and samples are attached for your convenience. Please ask me if you have any questions.

Respectfully:

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

Federal Bureau of Prisons
Los Angeles Consolidated Legal Center
Metropolitan Detention Center
535 N. Alameda Street
Los Angeles, CA 90012
Telephone: (213) 485-0439 (b)(6); (b)(7)(C)
Fax: (213) 253-9505

**SENSITIVE/PRIVILEGED COMMUNICATION
ATTORNEY CLIENT PRIVILEGED**

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>> (b)(6) & (b)(7)(C) (CRM)" (b)(6) & (b)(7)(C)@usdoj.gov> 10/15/2018 3:18 PM >>>

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

Attached please find a subpoena and request for telephone calls and email correspondence of former pretrial inmate (b)(6); (b)(7)(C)

Please let me know if you have any questions or need any additional information.

Best,

(b)(6) & (b)(7)(C)

Assistant Chief
Fraud Section
U.S. Department of Justice
1400 New York Avenue, N.W.
Suite 3430
Washington, D.C. 20005

(b)(6) & (b)(7)(C)@usdoj.gov

(b)(6) & (b)(7)(C)
(direct dial)
(cell)

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

ATTORNEY WORK PRODUCT

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**MEMORANDUM REGARDING LAW ENFORCEMENT REQUESTS FOR
RECORDED TELEPHONE CALLS AND ELECTRONIC MESSAGES
AT THE METROPOLITAN DETENTION CENTER IN LOS ANGELES**

Make a law enforcement request for inmate telephone calls through a subpoena.

- Address a subpoena to the "Custodian of Records."
- Include the inmate's full name and register number.
- Indicate a start and end date for the requested calls. The latest date possible is the date of the subpoena.
- Write the name, telephone number, and email of the agent who will retrieve the calls.
- Fax the subpoena to the MDCLA's Special Investigative Services (SIS) at (b)(6); (b)(7)(C)
- After the subpoena is received, SIS will call the agent to set up an appointment for the agent to come to MDCLA to download the calls. Attorney calls cannot be excluded unless the Agent brings the specific telephone number which should be excluded from the download. After sending the subpoena, requesting parties may follow-up with SIS for additional information about the appointment.

Make a law enforcement request for inmate electronic messages or other documents in a letter.

- Address a letter on Department letterhead to the "Custodian of Records." A Department of Justice memorandum states that emails should not be released via a subpoena due to the Stored Communications Act.
- Include the inmate's full name and register number.
- Indicate a start and end date for the requested emails or other documents.
- Write the name, telephone number, and email of the person who would like to receive the emails. This person can be an agent or AUSA. Often the AUSA seeks a screener because the emails may contain correspondence with the inmate's attorney.
- After the letter is received, SIS will email the requested documents to the person indicated on the letter.

MDCLA ordinarily maintains calls and emails for 6 months. If you would like additional calls/emails in the future, submit another subpoena/letter.

Call or email SIS or the Los Angeles Consolidated Legal Center with questions at (213) 485-0439.

From: (b)(6); (b)(7)(C) [USAWAW (b)(6); (b)(7)(C)]@usa.doj.gov
To: USAWAW-CRIM AUSAs [USAWAW-CRIMAUSAs@usa.doj.gov]; USAWAW-Crim Support [USAWAW-CrimSupport@usa.doj.gov]
Subject: FW: Inmate Email Information
Date: Friday, April 20, 2007 16:38:15

-----Original Message-----

From: (b)(6); (b)(7)(C)
Sent: Friday, April 20, 2007 1:35 PM
To: wpm=SETDOM1:[atf.gov](b)(6); (b)(7)(C) %bop; wpm=SETDOM1:[atf.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[ci.irs.gov](b)(6); (b)(7)(C) %bop; wpm=SETDOM1:[ci.irs.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[ci.irs.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[conus.army.mil](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[dhs.gov](b)(6); (b)(7)(C) %bop; wpm=SETDOM1:[dhs.gov](b)(6); (b)(7)(C) %bop;
SETDOM1:[dhs.gov](b)(6); (b)(7)(C) %bop; wpm=SETDOM1:[dhs.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[dhs.gov](b)(6); (b)(7)(C) %bop; SETDOM1:[epa.gov](b)(6); (b)(7)(C) %bop;
SETDOM1:[epa.gov](b)(6); (b)(7)(C) %bop; wpm=SETDOM1:[fws.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[ic.fbi.gov](b)(6); (b)(7)(C) %bop; SETDOM1:[leo.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[mcchord.af.mil](b)(6); (b)(7)(C) %bop; SETDOM1:[ncis.navy.mil](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[ncis.navy.mil](b)(6); (b)(7)(C) %bop; wpm=SETDOM1:[noaa.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[noaa.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[OGN.AF.mil](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[oig.dot.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[oig.dot.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[oig.dot.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[securaskies.net](b)(6); (b)(7)(C) %bop;
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wpm=SETDOM1:[us.army.mil](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[uscg.mil](b)(6); (b)(7)(C) %bop; wpm=SETDOM1:[uscg.mil](b)(6); (b)(7)(C) %bop;
Strong, Cheryl (USMS); (b)(6); (b)(7)(C) (USMS) (b)(6); (b)(7)(C) %bop;
SETDOM1:[uspis.gov](b)(6); (b)(7)(C) %bop; SETDOM1:[uspis.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[usss.dhs.gov](b)(6); (b)(7)(C) %bop;
wpm=SETDOM1:[usss.dhs.gov](b)(6); (b)(7)(C) %bop; (b)(6); (b)(7)(C) (USAWAW); (b)(6); (b)(7)(C) (USAWAW) (b)(6); (b)(7)(C) (USAWAW)

Cc: (b)(6); (b)(7)(C)
Subject: Inmate Email Information

This information is being provided based on the SAC meeting on April 20, 2007:

Effective July 10, 2006, all inmates at FDC SeaTac were given access to electronic mail (email) communication. Inmates are permitted to set up email accounts through a program called TruLincs, which the Bureau of Prisons has installed at various institutions throughout the country. Similar to our inmate telephone system (TruFone), TruLincs will require prior approval from a recipient of any email from an inmate. All recipients must first respond to an initial email asking if they wish to receive an email from a federal inmate. Recipients have the ability to accept or block all future electronic communication from that inmate.

This program allows inmates to submit a list of up to 30 email addresses with which they wish to communicate. They will be permitted to both send and receive emails. The cost for this program is 5

cents per minute of computer use. There are computers located in each housing unit which are designated solely for email use. Inmates do not have access to the World Wide Web.

Inmates do not have the capacity to download any attachments to the emails, nor are they permitted to print the emails.

Additionally, inmates have access to computers in each pre-trial housing unit which are designated for the review of electronic discovery. This eliminated problems with inmates requiring a large amount of time for discovery review in the law library or other locations in the institution.

It should be noted that all email communication is monitored and reviewed, just as we do with telephone calls placed by inmates. While inmates are certainly permitted to add attorneys to their email lists, any communication is subject to review and therefore not confidential, just as telephone calls placed by inmates on the monitored phone system. Copies of emails may be requested by the U.S. Attorney's Office via subpoena, and the emails are treated similarly as inmate telephone recordings. 28 C.F.R. 16.23. The subpoena are reviewed and approved by the institution attorney.

Trulincs allows for some link analysis to occur. For example, (b)(7)(E)
(b)(7)(E)
(b)(7)(E) interested law enforcement officials may contact (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C) to discuss this system in depth.

At this time we do not have the capacity to provide inmates with unmonitored email access for the purpose of confidential communication with their attorneys. The Federal Public Defender's Office is not participating in Trulincs at their request. It should also be noted that the computers provided for electronic discovery review are not monitored. However, all electronic discovery are screened only by the Computer Services Department upon its arrival at the institution.

Please do not hesitate to contact me with any questions or concerns. I may be reached at (b)(6); (b)(7)(C) You may also contact (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C) I appreciate your interest in this program.

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

FDC SeaTac
2425 South 200th Street
P.O. Box 13901
Seattle, WA 98198-1091
Wk: (b)(6); (b)(7)(C)
Fax: (206) 870-1036

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>>> Sonya Thompson 2/9/2016 2:23 PM >>>

All thanks to the controversy first stirred up the USAO in EDNY, who are getting copies of all emails: http://www.abajournal.com/news/article/resolution_10a

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