

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

ATTORNEY GUIDE TO THE
METROPOLITAN DETENTION CENTER
BROOKLYN, NEW YORK



AUGUST 2024

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I. INTRODUCTION

The Metropolitan Detention Center, in Brooklyn, New York (MDC Brooklyn) is owned and operated by the Federal Bureau of Prisons (BOP), an agency of the United States (U.S.) Department of Justice. It falls within the BOP's Northeast Region (NERO). The primary mission of MDC Brooklyn is to serve federal courts in the Eastern and Southern District Courts of New York by providing pretrial detention in conjunction with the U.S. Marshals Service (USMS). The BOP's website has the most current information on the facilities. <http://www.bop.gov/>. You can access the Inmate Locator, BOP Program Statements, and procedures for requesting documents under the Freedom of Information Act.

As an administrative facility, the institution houses inmates of all security levels. MDC Brooklyn predominantly houses pretrial inmates for the Southern and Eastern Districts of New York. The facility accepts both male and female inmates who are in pretrial or holdover status, and male inmates designated to serve their sentences. At the present time, MDC Brooklyn confines approximately 1,550 inmates, and is staffed by approximately 500 employees.

This guide outlines the relevant policies and procedures applicable to attorneys representing defendants incarcerated at MDC Brooklyn. This guide covers issues such as legal visiting, attorney-client communication, release of information and discusses local legal matters, policies, and procedures.

The information contained in this Guide is meant to be a general guideline and is not all-inclusive. We cannot envision every circumstance that could occur, and thus the Guide does not contain the answers to all questions. Please contact the Legal Department with any questions. Also, special circumstances may arise where we will not follow normal procedures.¹

(A) CONTACT INFORMATION

Metropolitan Detention Center
80 29th Street
Brooklyn, New York 11232

BRO-ExecAssistant-S@bop.gov
(718) 840-5000

(B) LEGAL DEPARTMENT

All calls are generally cleared through the Control Center. The Consolidated Legal Center (CLC) is located at MDC Brooklyn. CLC New York is responsible for BOP legal issues at MDC Brooklyn, MCC New York, and FCI Otisville. The legal department is comprised of one (1) supervisory attorney, three (3) staff attorneys, one (1) paralegal specialist and eight (8) legal assistants.

¹ Special circumstances may include, facilities disruptions, civil unrest, institutional disturbances, housing unit lockdowns, medical emergencies and/or natural disasters.

❖ LEGAL DEPARTMENT CONTACT INFORMATION

- Legal Department Phone No. (718) 840-4200 ext. 4248
- Legal Department Email BRO-LegalVisit-S@bop.gov

- Sophia Papapetru *Supervisory CLC Attorney* ext. 4744
spapapetru@bop.gov
- Irene Chan *CLC Staff Attorney* ext. 4746
ichan@bop.gov
- Rachel Kull *CLC Staff Attorney* ext. 4745
rkull@bop.gov
- Elizabeth Lynch *CLC Staff Attorney* ext. 4742
elynch1@bop.gov

- The Legal Department's normal business hours are Monday – Friday 6:00 a.m. – 4:30 p.m.

(C) ENTRANCE PROCEDURES

The following guidance is to ensure that all staff are aware of the proper entrance procedures at MDC Brooklyn for staff and visitors, in accordance with 28 C.F.R. § 511.16. By entering or attempting to enter Bureau grounds or facilities, you are consenting to being searched in accordance with these regulations. If you refuse to be searched, you may be prohibited from entering the facility. All persons entering the institution will be subject to the following:

- Electronic search devices, to include walk-through metal detector, handheld detectors, and ion spectrometry devices.
Electronic searches are always required and conducted by screening staff in the entrance/lobby of the facility.
- Pat searches: Where a staff member pressing his/her hands on your outer clothing, or the outer surface of your belongings, to determine whether prohibited objects are present. Whenever possible, pat searches of your person will be performed by staff members of the same sex.
****Pat searches require Supervisor (Operations LT/Institutional Duty Officer (IDO)) Authorization****
- Limited visual searches: Some situations may not be remedied by a pat search, thus requiring a limited visual search. Visual searches conducted by staff members of the opposite sex are *only* permitted in emergency situations with the Warden's authorization.
****Limited visual searches require Warden's Authorization****

- If you have had any medical procedures that will trigger the metal detector or handheld detectors, we strongly recommend providing medical documentation indicating the presence of device(s), intramedullary rods, pins, and other implants. Although not required, it is strongly recommended to avoid extended processing delays.

All persons entering the institution will be subject to the following entrance procedures:

- (1) All persons will be required to clear the **walk-through metal detector** prior to entering the facility.
- (2) Persons who fail to clear the walkthrough metal detector will be subject to search via **hand-held metal detector** to determine the exact location of the alarm and determination of possible contraband concealment. If a visitor is alerting the walk-through metal detector, the visitor should be asked to identify any other possible sources of metal that are not removable, for example, a zipper, pant clasp, hairpin, underwire bra, or implanted medical device or metal prosthesis. A hand-held metal detector is then used to isolate and identify the alerting area with reasonable assurance.²

“Reasonable Assurance” means that screening staff must be reasonably assured that persons entering secure confines do not possess prohibited objects. “Reasonable Assurance” does not mean “absolute certainty”. If reasonable assurance exists, entry must be permitted without delay.

However, when the alerting area is isolated, identified, and cannot be resolved with reasonable assurance the Operations Lieutenant or Duty Officer must be summoned to determine the next appropriate step.

- (3) Persons failing to clear the walk-through metal detector and hand-held metal detector with reasonable assurance may be subject to a same-sex **pat search** if authorized by the Supervisor/Shift Lieutenant.
- (4) If the Operations Lieutenant or Duty Officer cannot determine the source of the alarm with reasonable assurance and have reasonable suspicion of contraband concealment, persons may be subject to a **limited visual search**, if authorized by the Warden. A limited visual search will be conducted discreetly and in a designated area. When conducting a limited visual search, same-sex staff will escort persons to a predetermined discreet area. Staff will direct persons to remove the minimum amount of clothing items in order to determine the source of the alarm. At the conclusion of the limited visual search, the Supervisor/Shift Lieutenant will make the determination whether to proceed or deny entrance into the institution.

A reasonable suspicion may be based on:

- Observations by staff;

² For example, a visitor wearing an underwire bra that sets off the metal detector should be admitted to the facility after a hand-held metal detector confirms the underwire bra with reasonable assurance.

- Reliable information, even if confidential;
- A positive reading by a metal detector or other electronic device; and/or
- Finding contraband or indicia of contraband during the search of a visitor's belongings.

- **Ion Spectrometry Testing**

The ion spectrometry device program is a minimally intrusive method for lawfully searching persons and things for the presence of illegal substances. See Program Statement 5522.02, Ion Spectrometry Device Program. The ion spectrometry device tests only for the presence, and not the use, of illegal substances. All visitors, including contractors and volunteers are subject to testing through the ion spectrometry device program. While testing is typically done at random, visitors may nevertheless be tested if reasonable suspicion exists, suggesting the visitor's possible involvement with illegal substances.

Visitors producing a confirmed positive test result may be denied visiting. See Program Statement 5510.15, Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities. The Warden or designee possesses broad discretion to deny visitation and will assess every situation in which a visitor produces a confirmed positive test. Should a visitor be denied entry, they will be given a completed Notice of Denied Visitation form (BP-A0732), which instructs the visitor on the appeal process.

II. LEGAL MATTERS

MDC Brooklyn's mission is to provide for the safe and secure confinement of federal detainees from the New York metropolitan area. It is a short-term facility designed to house pretrial and unsentenced detainees who are going through the judicial process. MDC Brooklyn employees are aware of the importance of the institution's pretrial detention mission. Appropriate courtesy and decorum are expected from all staff. In turn, our staff appreciates the professionalism and courtesy expected from attorneys and other officers of the court.

(A) VISITING

(1) LEGAL VISITING HOURS

- i. Monday – Friday 8:00 a.m. – 7:30 p.m.
(count time 4:00 p.m. – 5:00 p.m.)
- ii. Saturday/Sunday 8:00 a.m. – 3:00 p.m.
(count time 10:00 a.m. – 11:00 a.m.)
- iii. Federal Holidays 8:00 a.m. – 3:00 p.m.
(count time 10:00 a.m. – 11:00 a.m.)

- Attorneys who arrive at the institution within an hour before the start of a count, e.g., after 3:00 p.m. or 9:00 a.m., will not be able to visit their client until after the count clears.
- Legal visits during these hours do not need to be scheduled in advance. Special legal visits outside

of these hours may be requested through MDC Brooklyn's Legal Department with at least two business days' notice. Special Legal Visit requests should be emailed to BRO-LegalVisit-S@bop.gov.

- Attorneys may visit during any of the times above; however, there are blocks of time specifically set aside for attorney visits. Exclusive attorney visiting hours are Monday - Friday, 8:00 a.m. to 12:00 p.m. There are no social visits during these hours.
- Please immediately bring any issues or problems regarding legal visitation to the attention of the Operations Lieutenant, Institution Duty Officer or to the office of the Warden. If an issue arises, please ask the lobby officer or a visiting room officer to contact a Lieutenant, Institution Duty Officer, or the Legal Department so you can speak with them. It is MDC Brooklyn's intent to do all it can, within national and local policy, to resolve any problems which may impede a legal visit.
- Please be advised that if an emergency count is called, you will be afforded the opportunity to either be escorted out of the visiting room and exit the institution or remain in the visiting room until the count has cleared. However, the duration of the count can vary, and wait times may be prolonged.
- Please refer to the PS 5522.02, Ion Spectrometry Device Program, for procedure on swabbing upon entry.

(2) SOCIAL VISITING INFORMATION

- i. Monday – Friday
 1. 12:00 p.m. – 3:00 p.m.
 2. 5:00 p.m. – 7:30 p.m.

Holdover and pretrial inmates may only place immediate family members on their visiting lists. Immediate family members include mother, father, stepparent, foster parent, brother, sister, spouse and children. An individual who had cohabited with a pretrial inmate, who does not have a legal spouse, may be allowed to visit if the relationship is like that of a spousal one. The pre-existing relationship must be documented, which may include names on a lease, birth certificates of children, common address on a driver's license, etc. The individual is still subject to the normal screening procedures prior to being approved. See Program Statement 7331.04, Pretrial Inmates. Each unit has a set day and time for social visits. Inmates must communicate the scheduled day and time to their family members; the institution will not provide this information to visitors.

- **DRESS CODE**

All visitors, including attorneys, are required to dress in a manner appropriate for a correctional environment. Wearing inappropriate clothing that is provocative or revealing is prohibited. Furthermore, clothing which may impede identification (e.g., hoods), easily hide contraband (e.g., coats), or resemble in color the clothing worn by inmates (e.g., khaki/tan pants) present security concerns and are also prohibited. The Warden has delegated to the Institution Duty Officer the ultimate decision-making authority regarding what attire is appropriate inside the visiting room. If the Duty Officer is not

available, the Operations Lieutenant will make the final decision. For more information, please visit <https://www.bop.gov/inmates/visiting.jsp>.

(3) PROCEDURES FOR SPECIAL LEGAL VISITS

Special Legal Visits are legal visits that may be scheduled in advance via e-mail at BRO-LegalVisit-S@bop.gov. This allows for legal visitors to make the reservation in writing. These reservations are from 8:00 a.m. to 12:00 p.m. There will be a confirmation via e-mail. Cancellations should be made via e-mail at the earliest convenience.

i. PRIVATE VISITING ROOMS

There are eight (8) visiting rooms available for attorney-client visits, located off the main visiting area in the West Building and seven (7) off the main visiting area in the East Building. These private visiting rooms are only available for professional visits and will not be authorized for any social visiting purposes. The private visiting rooms are available on a first come, first served basis (with the exception of scheduled special legal visits). If these dedicated rooms are full, attorneys may meet with clients in the main visiting room or wait for a conference room to become available. Institutional security and fire safety regulations restrict the total number of people that may be in the visiting room at any one time.

(4) ATTORNEY PROCESSING

Processing of legal visitors will begin prior to visiting hours. There will be no processing of attorneys/visitors from 3:00 p.m. until count clears. National count will commence at 4:00 p.m. (with an additional count at 10:00 a.m. on Saturdays/Sundays and federal holidays). Counts take approximately sixty (60) minutes or more to clear.

Additional unscheduled counts may also occur in emergencies. During a count, inmates must be at their assigned cell or bunk, unless the inmate has been authorized to be in another area. To ensure an accurate count, a request that an inmate remain in the visiting room during the count must be made to the visiting room officer at least one (1) hour before the count, e.g., 3:00 p.m. for the 4:00 p.m. count; and 9:00 a.m. for the 10:00 a.m. count. When this approval is granted, the inmate is placed on the "out count" and will be required to remain in the visiting room until the count has been completed. Inmates who have not been placed on the out count must terminate their legal visits a half hour before the count begins, e.g., 3:30 p.m. and 9:30 a.m. Attorneys who arrive at the institution within an hour before the start of a count, e.g., after 3:00 p.m. or 9:00 a.m., will not be able to visit their client until after the count clears.

During count time, all movement in the institution ceases. Consequently, attorneys and/or their representatives will not be allowed to enter or exit the Visiting Room during official counts. Visits should be coordinated accordingly to avoid unnecessary delays.

(5) PROFESSIONAL VISITORS

i. ATTORNEYS

Attorneys must be able to establish their status as an attorney by presenting identification that verifies active membership in a state bar.

For New York attorneys, this is accomplished by presenting a New York State Unified Courts System Registration Card or an official Federal Defender's attorney card. If an attorney has neither of these two forms of identification or is licensed in a state besides New York, he/she must contact the legal department at least one business day in advance so that their status as an attorney in good standing may be verified. Provided the Legal Department can verify the attorney's status, a memo will be provided to the lobby authorizing the attorney's entrance with government issued picture identification, such as a driver's license. It is ultimately the attorney's responsibility to establish his or her membership in a State Bar.

After completing the Notification to Visitor form and signing the bound ledger, attorneys will be processed and will have their hand stamped before being allowed entry into the institution. The Notification to Visitor form is available in the front lobby and may also be accessed at www.bop.gov/policy/forms/BP_A0224.pdf.

By signing the Notification to Visitor forms, attorneys certify that they are not carrying firearms, explosives, weapons, ammunition, metal cutting tools, recording equipment, cellular phones, cameras, food items, narcotics, marijuana, alcoholic beverages or prescription drugs. All legal materials will be searched for contraband and processed through the fluoroscope. Handbags, newspapers, portable telephones, and non-legal materials are **not** permitted in the Visiting Room.

All attorneys and their representatives are required to pass through the walk-thru metal detector which may require removal of shoes, belts, glasses, jewelry, or other clothing accessories³. Any visitor refusing will be denied the visit. When a visitor is unable to walk through the metal detector without sounding the alarm, the officer shall request the visitor submit to secondary screening by a hand-held metal detector. To clear a visitor with the hand-held metal detector, the screening officer must have reasonable assurance the visitor is not in possession of a prohibited item. The Institutional Duty Officer or Operations Lieutenant will be notified when the screening officer is unable to resolve the screening.

When the screening process results in an alert that cannot be resolved or when questionable clothing issues arise, the determination on admission will be referred to and made by the Institutional Duty Officer or the Operations Lieutenant. If an issue arises, please ask the lobby officer or a visiting room officer to contact a Lieutenant, Institution Duty Officer, or the Legal Department so you can speak with them. It is MDC Brooklyn's intent to do all it can, within national and local policy, to resolve any problems which may impede a legal visit.

ii. FEDERAL EMPLOYEE VISITORS

Federal employees, including Assistant U.S. Attorneys, law enforcement officers, U.S. Court officials, U.S. Probation Officers, and Assistant Federal Public Defenders, will be permitted to visit upon presentation of

³ Undergarments (i.e., bras) will never be asked to be removed as part of this process.

employment identification, however, everyone must adhere to the entry procedures above. All visitors must present official identification and sign in and out of the logbook.

iii. SPECIAL LEGAL VISITORS

Legal Assistants: Legal assistants such as paralegals, law clerks, interpreters, notaries, psychologists, and investigators must receive prior approval to participate in legal visitation, regardless of whether the legal assistant is accompanied by an attorney. Each legal assistant must complete an “Application to Enter Institution as Representative form.” That form may be accessed at:

www.bop.gov/policy/forms/BP_A0243.pdf and is attached hereto as **Attachment B**. Additionally, the legal assistant must also complete the Criminal History Check form, which may be accessed at www.bop.gov/policy/forms/BP_A0660.pdf. These two forms must be completed and submitted electronically to BRO-LegalVisit-S@bop.gov. Review of properly submitted applications will ordinarily be completed within two business days excluding the date of submission and we ask for patience to allow this process to be completed. Individuals requesting approval should check, by emailing this address, to ensure approval has been granted before coming for a legal visit.

Once approved, the individual will be included on a list maintained in the lobby and allowed to enter the institution for one year. To renew an application, the attorney and the legal assistant need to submit a new application as described above. If a legal visitor has received approval but their name does not appear on the list in the lobby, the legal visitor should ask the lobby officer to contact the Legal Department to verify approval.

Additionally, all visitors must complete and sign the Notification to Visitor form upon arrival at the institution and submit it to the front desk officer. See (**Attachment D, Notification to Visitor Form**). Any and all questions concerning approval for legal visitors should be sent to the Legal Department.

If a legal assistant application is denied, the applicant will be notified in writing, with a copy sent to the sponsoring attorney. The individual may appeal the decision by drafting a letter to the attention Warden, specifying that you are appealing their denial, and the justification for their request to enter. The Warden will review and has the discretion to affirm the denial or approve entry based on the information provided.

Mitigation Specialists: Mitigation specialists must receive prior approval to conduct a confidential visit with inmates at MDC Brooklyn by submitting a completed Criminal History Check form to BRO-LegalVisit-S@bop.gov. Once the NCIC review is cleared, it will remain in effect for one year. Mitigation Specialists are expected to provide a copy of the authorization with each visit request and make the request to the Legal Department **at least one business day** in advance.

Foreign Attorneys: Attorneys who are not licensed in a state or jurisdiction of the United States must provide verification of their status as a licensed attorney in good standing in a foreign jurisdiction, prior to their initial visit. Foreign attorneys should contact their respective Consulate Office, who will provide the attorney official documentation (*raised seal* in most countries) stating that the individual is in fact an

attorney in good standing in that country. The attorney must provide to the MDC Brooklyn Legal Department, **at least two business days** in advance, the original letter from his or her consulate verifying the foreign attorney's status as a licensed attorney in good standing. The consular letter can be sent via email to BRO-LegalVisit-S@bop.gov. Once the status of the foreign attorney has been confirmed, the attorney will be processed as a legal visitor for future visits. The foreign attorney will update their status with the Legal Department annually.

Consular Visitors: All non-United States citizens are encouraged to maintain contact with their foreign consulate. Consulate visits will be arranged and approved by the Executive Assistant in conjunction with Unit Team. When it has been determined that an inmate is a citizen of a foreign country, the Warden must permit the consular representative of that country to visit on matters of legitimate business. The Consular visitor must submit an official letter from the Foreign Embassy requesting to visit a specific inmate to the Warden through the Executive Assistant via email at BRO-ExecAssistant-S@bop.gov. The consulate letter should be submitted **at least two business days** in advance to allow for staff scheduling on non-visiting days. The Consular Visitor must also present identification from the Foreign Embassy verifying his or her position and personal information. The requirement for the existence of an established relationship prior to confinement does not apply to consular visitors.

(6) LEGAL VISITS

i. LEGAL MATERIALS

Attorneys may bring legal materials into the institution when visiting their client, including but not limited to: legal materials related to an inmate's case, CD's, or audio/videotapes, hard drives, as well as twenty (20) one dollar bills for the vending machines. All legal materials brought into the Visiting Room **must** leave with the attorney at the conclusion of the visit. Attorneys and their legal representatives are prohibited from dispensing any material directly to inmates. All other materials, including cellular phones, pagers, newspapers, magazines, tissues, wallets and keys, are prohibited and must be secured in a lobby locker before entering the secure confines of the institution.

Laptops: Attorneys may enter the institution with their personal laptop in order to review legal materials related to an inmate's case. Upon entry, they may request a laptop form from the front lobby staff (**Attachment E, Laptop Agreement Form**). After completing the form, they must return it to the front lobby staff and will be authorized to enter with the laptop. No power cords are authorized for safety reasons.

Legal materials, including documentary materials, legal CDs, video/audio tapes and external hard drives, may be left in the Legal Mail Drop Box in the front lobby waiting area for delivery to the inmate. Mail deposited in these boxes must be small enough to fit through the opening of a large mail slot. If there are any logistical obstacles, please reach out to the Legal Department at BRO-LegalVisit-S@bop.gov and to the MDC's attorneys to coordinate. Larger packages may be broken down into several smaller envelopes. These boxes are emptied by the following business day, and the contents are processed with other mail received from the post office that day. Envelopes must be clearly marked with the attorney's name (including language that identifies that person as an attorney), inmate's name and register number and the following statement: **"SPECIAL MAIL-OPEN ONLY IN THE PRESENCE OF THE INMATE."** Unauthorized items found in the inmate's possession will be treated as contraband. For legal material that cannot fit in the

Drop Box, please send the material to your client via U.S. Mail.

Pretrial inmates going out to court or to legal visits may bring legal materials relevant to their current court proceedings subject to review and approval by staff. Pretrial inmates are not allowed to return from court or legal visits with additional legal materials unless approved by their assigned Correctional Counselor at least one business day in advance.

ii. MULTIPLE CLIENT VISITS

Attorneys are not limited in the number of inmates they may visit in one day. However, there is a limit on the number of inmates that may be brought down to the visiting room at one time. During dedicated attorney visiting hours, attorneys may request from the visiting room officer up to **three (3)** inmates at a time to be brought down to the visiting room. This will be contingent on staffing levels and safety/security precautions. If the inmates are co-defendants, please see below in Separation/Codefendant Meeting Section, A 11.

During social visiting times, only **one (1)** inmate will be brought to the visiting room at a time. When an attorney has finished the legal visit and the inmate has been sent back to the unit, another inmate may be brought down to the visiting room.

Approved legal representatives (law clerk, paralegal, interpreter, investigator, psychologist, and other experts) may accompany an attorney into the Visiting Room.

Attorneys are ordinarily **not** permitted to bring material witnesses into the Visiting Room. Prior approval to do so must be received from the Warden and requires a court order. Written requests for such approval should clearly outline the specific circumstances requiring this type of visit. Visits will not be approved if alternative arrangements are available to defense counsel.

iii. CO-DEFENDANT MEETINGS AND SEPARATIONS

Co-defendant Meetings: Co-defendant meetings must be requested **at least** two business days in advance. Written requests should be sent via email to MDC Brooklyn Legal Department at BRO-LegalVisit-S@bop.gov, and should include:

- (a) The names of individuals that will be attending the meeting, including, but not limited to attorneys, paralegals, interpreters, investigators, co-defendants on bail and co-defendants housed at MDC Brooklyn;
 - (b) List indicating the name of each attorney and each inmate they represent;
 - (c) The first page of the indictment demonstrating that the requested parties are in fact co-defendants.
- This must be provided every time a co-defendant meeting is requested.

For co-defendant meetings that involve one (1) or more inmates from MDC Brooklyn and one (1) or more inmates from another institution or who are not in-custody, it is the responsibility of the defense attorney

to contact the responsible Assistant United States Attorney, who will, in turn, contact the U.S. Marshals to arrange transportation of the inmate. The BOP does not transport inmates for co-defendant meetings.

Separation Orders: An inmate with a “separation order” is prohibited from coming in contact with an inmate from whom he or she is separated. Such a restriction would normally prevent a co-defendant meeting. However, the request can be accommodated if the separation order was requested by the United States Attorney’s Office for reasons other than security of the institution or safety of staff, inmates and the public.

To ensure that hosting the meeting will not pose security or safety concerns, MDC Brooklyn requires a letter from the United States Attorney’s Office that restates the basis of the original separation request and documents the lack of known security or safety concerns that might arise from such a meeting. The letter should also state the separation is to be lifted, and then re-instated after the meeting occurs. If the inmates have been separated due to security concerns, whether based on information developed by an outside agency or the BOP, a co-defendant meeting will not occur at MDC Brooklyn.

Attorneys who are aware of separation orders between co-defendants should include with their request the name and phone number of the Assistant United States Attorney assigned to the case in question. These requests should be made as far in advance as possible, as the meeting will not be scheduled if the responsible Assistant United States Attorney cannot be contacted.

iv. DEPOSITIONS

Requests for Depositions for inmates in federal (civil and criminal) cases require prior approval from the Legal Department. Federal Civil Procedure Rule 30(a)(2). If the inmate is represented by an attorney, the inmate’s attorney must provide a letter in support of this matter, and a court order indicating the deposition must take place. Depositions for state matters, both civil and criminal, require the same procedures be followed. All deposition requests must be made in writing and include the following information:

- (a) Inmate’s name and register number;
- (b) A court order or similar court signed document for the deposition;
- (c) Case caption, case number and nature of matter;
- (d) Requested date and time;
- (e) Expected length of deposition;
- (f) Name, title, and organization of each person attending;
- (g) List of all equipment to be used; and
- (h) Indicate whether the inmate’s consent has been obtained.

Written requests for depositions may be submitted to the Legal Department at BRO-LegalVisit-S@bop.gov.

Video or tape recorders are not allowed inside the institution. Furthermore, all equipment is subject to inspection prior to entering the institution. All non-attorney participants must submit a completed Criminal History Check form and clear the check prior to entering the institution. That form may be accessed at www.bop.gov/policy/forms/BP_A0660.pdf, and may be submitted via email to BRO-LegalVisit-S@bop.gov.

v. POLYGRAPHS

The Warden may permit polygraph tests in connection with state or federal criminal felony investigations. See 28 C.F.R. §551.71. Polygraph tests in connection with misdemeanor offenses, civil proceedings, or any other matters are generally disfavored, absent a federal court order. *Id.* Requests for polygraph examinations must be submitted to the Legal Department, with final approval by the Warden. The written request should include at least the following information:

- (a) Inmate's name and register number;
- (b) Case caption, case number and nature of matter;
- (c) Requested date and time;
- (d) Expected length of polygraph;
- (e) Name, title, and organization of each person attending;
- (f) List of all equipment to be used; and
- (g) Indicate whether the inmate's consent has been obtained.

The Warden must be able to confirm the validity of the request and the inmate being examined must give written consent on a form provided for that purpose. Requesters are responsible for meeting all state and local requirements in administering the test. All non-attorney participants must submit a completed Criminal History Check form and clear the check prior to entering the institution. That form may be accessed at www.bop.gov/policy/forms/BP_A0660.pdf, and may be submitted via email to BRO-LegalVisit-S@bop.gov.

vi. COURT ORDERED EXAMINATIONS

Inmates may not receive medical or mental health care from their own physicians while at MDC Brooklyn. However, experts may evaluate defendants housed at MDC Brooklyn. Any medical examination by a defense expert requires a court order authorizing the examination and approval by the Warden. Arrangements must be made through the Legal Department by providing a letter requesting the exam and a court order must accompany the request. The request must include the following information:

- (1) Inmate's name and register number;
- (2) A court order or similar court signed document for the examination;
- (3) a provision for time and date to be determined by all affected parties;
- (4) Expected length of examination;
- (5) Name, title, and organization of each person attending;
 - a. All non-attorneys and non-legal representatives will have to fill out an application so MDC can complete a background check (see **Attachment A, B, and C**);
- (6) List of all equipment to be used; and
- (7) Indicate whether the inmate's consent has been obtained.

That material may be submitted via email to BRO-LegalVisit-S@bop.gov. Additionally, individuals approved to enter the institution to perform the exam must complete and submit the Criminal History Check form and clear the check prior to entering the institution. That form may be accessed at www.bop.gov/policy/forms/BP_A0660.pdf. Arrangements must be made through the Legal Department to schedule an appointment and reserve an attorney room. The inmate must voluntarily submit to the

examination and staff may not force the inmate to attend the exam. Defense Counsel is required to contact the Legal Department with any questions regarding an inmate's medical condition or treatment. BOP staff members are not authorized to release information about inmates without the express written consent of the subject inmate, through FOIA, Criminal Discovery and/or court order.

Law Enforcement examinations or warrants by outside police, sheriff, or other federal officials require a court order. The inmate must voluntarily submit to the examination. The Official must provide their own staff to administer the exam (DNA, Child Support) and witness this procedure after coordinating with the Legal Department and the Receiving and Discharge department at MDC Brooklyn. Law enforcement requests for examinations may be submitted to BRO-LegalVisit-S@bop.gov.

vii. VISITS WITH INMATES AT THE LOCAL HOSPITAL

All U.S. Marshals Service inmates (inmates who have not yet been sentenced) that are housed at a local hospital or nursing home, will be referred to the U.S. Marshals Service for visiting. The U.S. Marshals Service will inform you as to what additional information is required in order to proceed with a legal call/visit or for a social call/visit; they have full authority as to whether they will approve or deny.

If the inmate is a BOP inmate, and BOP staff have custody of the inmate, and the request is for a legal call, we will schedule the call through the appropriate channels. All legal visit requests should be sent to MDC Legal attorneys, which will then be routed to the Warden for final approval. If the request is for a social call/visit, please contact BRO-ExecAssistant-S@bop.gov; the request will be routed through the Warden for final approval.

Please see contact information for the U.S. Marshals Service, for inquiries concerning inmates at local hospitals.

Eastern District of New York

Brooklyn

Peter Lee
peter.lee@usdoj.gov
(718) 473-3014

Central Islip

Melanie Macaluso
melanie.macaluso@usdoj.gov
(631) 715-6160

Southern District of New York

Criminal Section Supervisor
USMS.NYSCrimSec@usdoj.gov
(646) 563-9808

If an inmate has been designated, is housed at a local hospital or nursing home, and has not been moved to their designated institution, the request for a legal visit must be made to the Legal Department via email to BRO-LegalVisit-S@bop.gov. Social visit requests must be made to BRO-ExecAssistant-S@bop.gov and

the request will be routed from the assigned Unit Team to the Warden for approval.

viii. LEGAL VISITS IN THE SPECIAL HOUSING UNIT

Entry procedures for legal visitation for clients housed in the Special Housing Unit remain the same as for inmates housed in general population. However, long wait times may be experienced. The visiting rooms for clients housed in SHU are inside of the secured perimeter of the institution, therefore, processing times vary and may exceed normal visiting waits. For an inmate to be escorted to the visiting room, additional staff is required to ensure safe movement of the inmate. Should there be any incidents that occur that result in longer than normal waiting times, the officer on duty or the SHU Lieutenant will make the notification to the attorney in the private visiting room. At this time, for safety and security reasons, inmates are required to remain in restraints during the duration of the visit. If the inmate is unable to sign documents, the restraints will temporarily be removed if deemed necessary.

If the attorney has requested a non-contact visit with their client in SHU, prior to the commencement of the visit, they should provide the necessary documents for signature to the Officers so that they can provide them to the inmate for relevant signatures. Upon conclusion of the meeting the Officer can provide the signed documents to the attorney before they are escorted out of SHU.

MDC Brooklyn can facilitate co-defendant meetings for inmates housed in SHU. Co-defendant meetings involving inmates housed in SHU with inmates housed in general population cannot be accommodated as SHU inmates and general population inmates ordinarily may not interact. Requests may be granted in very limited circumstances, and these requests will be subject to review by the Warden. Per Program Statement 5270.11, Special Housing Unit, SHU inmates and general population inmates are prohibited by policy from interacting. Attorneys are advised to contact the USMS to request additional assistance on how such a meeting may be facilitated.

The SHU legal visiting rooms each have a call button. The call button is to request assistance during a legal visit or to request the termination of a visit, and to be escorted to the lobby. The Special Administrative Measures Unit legal visiting rooms each have a phone that directly connects to the Control Room should you have an emergency or need to be escorted to the lobby immediately.

ix. SOCIAL VISITORS

For information about social visits, see www.bop.gov/inmates/visiting.jsp and BOP Program Statement 5267.09, Visiting Regulations, which may be accessed at www.bop.gov/policy/progstat/5267.09cn-1.pdf.

x. PROCEDURES IN THE EVENT VISITATION IS SUSPENDED

In the event that legal visits will be suspended, the Legal Department at MDC Brooklyn will notify stakeholders as soon as practicable, to include: the Eastern and Southern District Courts, Eastern and Southern District U.S. Attorney's Offices, Eastern and Southern District U.S. Marshals Service, Eastern and Southern District Federal Defenders Office and any other relevant stakeholders deemed necessary. In the limited circumstances in which the institution must temporarily suspend visitation, MDC Brooklyn will ordinarily post a memorandum explaining the situation on the institution's front doors and will, as quickly

as practicable, provide notification on the institution's web page.

Additionally, the Warden will send a letter by email explaining the situation affecting legal visitation and alternative ways to conduct legal visits to officials at the District Courts, the Federal Public Defenders, to the liaisons of the CJA Panels, and to the U.S. Attorney's Offices. The Warden asks the recipients to distribute the letter widely so that any temporary modifications are communicated as broadly as possible. If possible, the Warden will also explain when the modified procedures will terminate.

(B) OUTSIDE COMMUNICATIONS

(1) UNMONITORED TELEPHONE CALLS

The Warden may not apply frequency limitations on inmate telephone calls to attorneys when the inmate demonstrates that communication with attorneys by correspondence, visiting, or normal telephone use is not adequate. See 28 C.F.R. § 540.103 and Program Statement 5264.08, Inmate Telephone Regulations. The Bureau provides each inmate with several methods to maintain confidential contact with his or her attorney. For example:

- inmate-attorney correspondence is covered under the special mail provisions.
- private inmate-attorney visits are provided; and,
- the inmate is afforded the opportunity to place an occasional unmonitored call to his / her attorney.

Based on these provisions, frequent confidential inmate attorney calls should be allowed only when an inmate demonstrates that communication with his or her attorney by other means is not adequate. For example, an inmate or the inmate's attorney can demonstrate a need for a special circumstance of an unmonitored call when there is an imminent court deadline. See Program Statement 5265.14, Correspondence, and Program Statement 1315.07, Inmate Legal Activities. These policies may be accessed at www.bop.gov/resources/policy_and_forms.jsp. An inmate will not be afforded attorney calls for social reasons. Each legal call requires staff time and resources and an inmate receiving numerous unmonitored telephone calls reduces the ability of staff to provide services to other inmates.

Pretrial inmates have access to unmonitored telephones in the housing units and can call directly to the Federal Public Defender's Office of the Southern and Eastern District free of charge. Those who are represented by private attorneys may use the inmate telephone, which is recorded, but may request an unmonitored legal call with their Unit Team and the Legal Department if they have an imminent court deadline. If the inmate's attorney cannot be contacted on the pretrial telephones, the inmate must specifically request Unit Team staff assistance in writing. The Unit Team staff will review the request, and if approved, they will provide it to the Legal Department to connect the call.

To receive an unmonitored attorney call, the inmate or the inmate's attorney must request Unit Team and Legal Department approval, demonstrating that other correspondence, visiting, and normal telephone use is inadequate. See Program Statement 5264.08, Inmate Telephone Regulations. Inmates may request a legal call by contacting their Unit Team providing information demonstrating that communication via other means is inadequate. Attorneys may request a legal call by emailing the respective Unit Manager. If the attorney is unsure who the Unit Manager is, he or she may call the institution to be transferred to the Unit Manager or email the Executive Assistant at BRO-ExecAssistant-S@bop.gov. Attorneys may also request a legal call by emailing the Legal Department at BRO-LegalVisit-S@bop.gov.

An attorney may not call an inmate. Attorneys who need to speak with an inmate and do not anticipate that the inmate will call them, must visit the inmate in person or contact the inmate by letter, or schedule a call via the EDNY Federal Defenders Office via online booking system at <https://mdcattorneycalls.skedda.com/booking>. Similarly, attorneys may not mail, email or fax documents for delivery to inmates to the attention of MDC Brooklyn staff.

At this time, the Eastern District Federal Defenders office is responsible for scheduling daily legal calls and tele-videoconferences for inmates and their attorneys. The Legal Department receives a daily schedule from the Federal Defenders office for pre-scheduled calls to be provided to inmates. These phone privileges may not be used for social purposes. If calls need to be re-scheduled due to an institutional emergency that resulted in cancellations of calls for one (1) day, the legal department will reschedule the calls over the next one-two business days based on the call schedule. If calls have been cancelled for more than one (1) day, attorneys must re-schedule through the regular scheduling procedures.

(2) ATTORNEY URGENT CALL REQUESTS

Urgent call requests must be submitted to the legal department via email to BRO-LegalVisit-S@bop.gov. The legal call system is only in place for defense counsel who have an urgent matter that must be discussed with their client and cannot visit their client. Urgent call requests will be granted based on the call schedule for that day and staff levels of the institution.

(3) INMATES TELEPHONE SYSTEM (ITS)

The BOP extends telephone privileges to inmates as part of its overall correctional management strategy. See 28 C.F.R. §540.100, *et seq.*, Subpart I - Telephone Regulations for Inmate; and Program Statement 5264.07, Telephone Regulations for Inmates. Telephone privileges are a supplemental means of maintaining community and family ties that may contribute to an inmate's personal development. An inmate may request to call a person of his or her choice outside the institution on a telephone provided for that purpose.

Inmates must submit a list of numbers they wish to be placed on their approved telephone list. Inmates can only call numbers placed on their approved telephone list. Once an inmate submits the initial list, it will be processed as soon as possible. Inmates may submit additional telephone numbers once they are assigned a correctional counselor or case manager from the Unit Team.

Inmates are advised of the institution's telephone monitoring capability. See 28 C.F.R. §540.102. A notice is posted next to each inmate telephone advising that calls are monitored. *Id.* Ordinarily, calls are paid for by the inmate, but in some cases the receiving party pays. See 28 C.F.R. §540.105. Third party, conference calls or use of two phones on the same number, or other alternative call arrangements are not permitted, thus limiting the opportunity for inmates to use the phones for criminal or other inappropriate purposes. Inmates who use the telephone improperly are subject to disciplinary actions which may result in the loss of telephone privileges, and in some cases criminal charges.

Inmates may place attorneys on their approved telephone list. However, all calls made on the ITS phone, including calls placed to an attorney, are recorded and subject to monitoring. Therefore, inmates seeking

attorney-client privileged calls must request an unmonitored telephone call as described above.

(4) EMERGENCY TELEPHONE CALLS

Inmates requiring an emergency social phone call due to a death or serious illness of an immediate family member shall submit a request to the Religious Services Department or Unit Management. Likewise, if an individual needs to contact an inmate for these reasons, they should call the main number and ask to speak to the Religious Service Department or appropriate Unit Team.

(5) INMATE ELETRONIC MAIL (TRULINCS)

Most inmates at MDC Brooklyn have access to electronic mail communication (e-mail), which is **monitored by staff**. Inmates are permitted to set up e-mail accounts through a program called TRULINCS. Similar to the inmate telephone system, TRULINCS will require prior approval from a recipient of any email from an inmate. All recipients must first respond to an initial e-mail asking if they wish to receive an e-mail from a federal inmate. Recipients will have the ability to accept or block all future electronic communication from that inmate. It should be noted that all e-mail communication is monitored and reviewed, just as we do with telephone calls placed by inmates. while inmates will certainly be permitted to add attorneys to their e-mail lists, any communication is subject to review and therefore not privileged/confidential.

(6) INCOMING MAIL

Mail service will be provided for official mail and inmate mail on a five-day schedule, Monday through Friday, excluding weekends and holidays. Inmates may inquire or express concerns about their mail and resolve mail room related issues via Form BP-A0148, Inmate Request to Staff (Copout), directed to the institution mail room or by contacting the Correctional Systems Department via TRULINCS. Due to recent incidents in the BOP concerning mail and introduction of contraband, the following procedures apply to incoming mail:

- All general correspondence will be photocopied, and the inmate will only be provided the photocopy.
- MDC Brooklyn will reject all general correspondence on card stock; commercial greeting cards will be photocopied prior to delivery, only the photocopy will be delivered.
- Incoming general correspondence containing materials such glitter, stickers, lipstick, crayon or marker, the correspondence will be rejected.
- Correspondence, which is stained, contains an oily substance. or sprayed with any type of fragrance will also be rejected.
- All envelopes from incoming special mail or legal mail will **not** be photocopied prior to delivery.
- Incoming special mail and legal mail will continue to be opened only in the presence of the inmate; however, the inmate will **not** be provided the original envelope and document should the documents look suspicious or have a suspicious odor. Suspicious incoming legal and special mail will be provided to the Legal Department to confirm it is from the purported sender.
- Rejected correspondence will be treated consistent with the applicable provisions of federal regulation and BOP policy.

(7) OUTGOING MAIL

All outgoing mail will be properly addressed and include the inmate's full name, register number, and full return address to include MDC Brooklyn. Outgoing inmate mail from all housing units will be reviewed to ensure the mail is unsealed. Any mail without the appropriate postage will be returned to the inmate. The Officer will review the mail for contraband, randomly read the correspondence, and seal the mail prior to forwarding the mail to the mail room.

(8) LEGAL MAIL

Special care is taken to ensure that special mail (mail to or from courts, attorneys, and certain government officials) is kept confidential. See 28 C.F.R. § 540.18 and Program Statement 5265.14, Correspondence. Special mail must be marked "**SPECIAL MAIL-OPEN ONLY IN THE PRESENCE OF THE INMATE,**" and the sender must identify him or herself on the envelope as a person entitled to invoke the protections of special mail in order to avoid the correspondence being processed as general mail. Id. For example, following their name, attorneys should put the words Attorney or Assistant Federal Public Defender to identify themselves as attorneys in the return address section.

To maintain consistent handling of legal mail, strict compliance with these procedures must be enforced by MDC Brooklyn mail room staff. To properly identify legal mail, counsel must write their name (not just the firm's name) and their role (i.e., attorney), in the return address portion of the envelope. This information, in addition to writing elsewhere on the envelope "**SPECIAL MAIL - OPEN ONLY IN PRESENCE OF INMATE,**" will ensure that legal mail is treated as confidential attorney-client communication. The use of the title "Esquire" without additional indication of the sender's occupation does not establish the bearer as an attorney or legal aid supervisor. The attorney must be adequately identified on the envelope as an attorney. Mail from individuals using the title "Esquire" as the exclusive identification of their status shall not be handled as special mail, even if the envelope contains some special mail markings.

All legal/special mail packages will be electronically scanned via x-ray prior to entry into the facility. Packages which meet the requirement of legal/special mail will be opened in the presence of the inmate. Within one business day of receipt of the legal/special mail package, Unit Team staff picks up the legal mail and the inmate signs the log when receiving the Special Mail.

The BOP does not allow inmates to send or receive facsimile communications.

For additional information on the processing of mail, see BOP Program Statement 5800.16, Mail Management Manual, which may be accessed at www.bop.gov/policy/progstat/5800_016.pdf.

(a) FEDEX / UPS

Inmates may receive packages from FedEx and UPS; however, use of these couriers will not result in next day delivery to an inmate and in some cases may take longer than using the United States Postal Service. Packages delivered to the institution by FedEx and UPS are not delivered to the mail room, but rather the institution's warehouse. There may be a delay of multiple days before the package is properly x-rayed and delivered to the mail room, at which point it must then be processed according to mail room procedures. Attorneys who wish to expedite the delivery of documents or materials to their clients are advised to either place the materials in one of the institution's legal drop boxes or send the materials via the Postal Service's

Express or Priority Mail services.

Inmates are not permitted the use of express mail to send packages.

(b) STAMPS

Inmates may **not** receive stamps or stamped items other than issuance from the institution or by purchase from the commissary. 28 C.F.R. §540.21(j). These items will be treated as contraband in the institution.

Attorneys are permitted to send self-addressed envelopes without affixed postage.

(c) NOTARY

Inmates are not generally provided notary services at MDC Brooklyn. Most documents do not need to be signed or witnessed by a Notary Public. Title 28 U.S.C. § 1746 provides that an unsworn declaration under the penalty of perjury may be used with "like force and effect" as a sworn declaration, verification, certification, statement, oath or affidavit; when such action is required by any law, rule, regulation, order or requirement of the United States. Being that most documents that inmates sign are pursuant to a United States law, rule or regulation, a notarized oath is generally not necessary.

Consistent with the above, MDC Brooklyn staff members who are Notaries Public will administer oaths and acknowledgments and will only notarize documents that absolutely require a notary. The Unit Team may direct inmates to the appropriate Notary Public or the inmate's attorney will bring a private Notary Public at the inmate's own expense.

(d) PRE-SENTENCE INVESTIGATION REPORTS

Program Statement 1351.05, Release of Information, states the following with respect to Presentence Investigation Reports: Federal Presentence Reports (PSR) and Statements of Reasons (SOR):

For safety and security reasons, inmates are prohibited from obtaining or possessing photocopies of their PSRs, SORs, or other equivalent non-U.S. Code sentencing documents (e.g., D.C., state, foreign, military, etc.). Inmates violating this provision are subject to disciplinary action.

This prohibition does not apply to inmates in Bureau of Prisons custody with a need to review their PSRs prior to sentencing. For example, a pretrial inmate scheduled for sentencing may possess and review the PSR in preparation for sentencing. After sentencing, however, the inmate is prohibited from retaining a copy of the PSR.

See P.S. 1351.05, page 16, which may be accessed at www.bop.gov/policy/progstat/1351_005_CN-2.pdf. Unit Team is available to hold the PSR on behalf of unsentenced individuals when it is not being actively reviewed.

(C) INMATE LEGAL ACTIVITIES

1. ELECTRONIC DISCOVERY

The Legal Department coordinates e-discovery requests from the U.S. Attorney's Office. All electronic media such as CDs (same as DVDs) and hard drives used to store information must be handled in a manner which prevents unauthorized access by inmates or other individuals. Access to electronic media by inmates is not authorized without approval of the Legal Department. Attorneys must first submit a cover letter along with the e-discovery material to the Legal Department at MDC Brooklyn, which should include the number of items included and verification that the material consists solely of discovery material related to the inmate's case. Once approved by the Legal Department, the electronic discovery will be provided to the inmate to retain in their cell on their housing unit, and they must store that material in their personal locker adjacent to their assigned bed when not in use. For protected or sensitive e-discovery, the material will be maintained in the Law Library in the education department. There are designated lockers for inmates to store their discovery materials that are protected. Inmates are assigned a locker to store said materials and will have knowledge of the combination. Inmates are authorized to visit the law library to review protected or sensitive materials once per week for approximately 90 minutes. If additional discovery time is needed, the inmate should address this inquiry with the Education staff and their assigned Unit Team. Attorneys should reach out to the Legal Department so we can coordinate to ensure additional access is granted.

Stand-alone computers are provided for inmates to review electronic media in every housing unit, the Education Department, and SHU. The electronic formats supported by BOP provided computers for review of e-discovery are summarized at www.bop.gov/inmates/custody_and_care/docs/ediscovery-formats.pdf.

i. INMATE DISCOVERY LAPTOPS

In special circumstances, in which an inmate is coming up on trial AND the discovery computers are not compatible with the discovery, defense counsel may seek a Court Order for an inmate to utilize a discovery laptop.

- The laptop will be stored in the visiting room, **not** on the inmate's housing unit or their cell.
- The laptop will be stored in a filing cabinet in the Officer's station in the Visiting Room.
- The laptop **must** have all internet and mobile capabilities disabled.
- The inmate will be responsible for requesting to review the discovery laptop in the Visiting Room.
- The charging port will be available to the inmate in the Visiting Room.
- The inmate will be afforded the opportunity to review discovery on the laptop in the Visiting Room Monday through Friday 8:00 a.m. – 3:00 p.m.
- Any and all issues (e.g. technological errors) that require assistance will be the responsibility of the U.S. Attorney's Office and defense counsel. The Legal Department will communicate with the appropriate individuals once we have been notified of issues to have the laptop returned for necessary maintenance.

2. LAW LIBRARY

There are two legal libraries at MDC Brooklyn - one library in each of the West and East buildings. Each library consists of computers on which inmates may access and view discovery material on CD and hard drive format. The Education Department also provides copy machines for inmates to use in preparing any legal documents.

Typically, inmates at MDC Brooklyn may access the law library during their scheduled law library hours, which are one day a week, Monday through Friday. Inmates should check the bulletin boards in their respective housing units for days and times scheduled. Inmates may sign up to access the law library between the hours of 7:45 a.m. through 10:40 a.m., and from 12:30 p.m. through 3:30 p.m.

- Because MDC Brooklyn is a high-rise building, each floor is allowed access to the law library one day per week because many of the inmates must be separated from each other at all times for security purposes.
- In addition, inmates who are pro se or who have a demonstrated legal need, such as an imminent court deadline or an excessive amount of discovery material to review, may be granted additional hours of library time on Fridays by making a request to the Education Department in conjunction with their Unit Team and the Legal Department.
 - All requests for additional law library time are subject to staff availability, number of inmate requests, and security concerns.
 - If the pretrial inmate is representing his/herself, standby counsel should notify the Legal Department and provide official court documentation verifying such status so that the Education Department can be notified to make special accommodations as needed.

Besides the two law libraries, there is also a basic law library in the Special Housing Unit (SHU) that has a computer for accessing and viewing discovery materials. SHU inmates should submit a written informal request (“cop-out”) to the unit officers and SHU Lieutenant so that they can properly make accommodations to allow the inmate appropriate discovery access.

The Education Department maintains a law library inventory which is a list of reference material available to an inmate. The inventory is mandated by the Bureau of Prisons Central Office. The inventory is located in the MDC Law Library and the Special Housing Unit Library. If the inventory does not have the reference material the inmate needs to do the research, the inmate may consult with the Education Department staff or the Legal Department on the possibility of requesting additional materials.

Additionally, MDC Brooklyn is equipped with an electronic law library (“ELL”). Legal materials available in the ELL include U.S. District Court, Court of Appeals and Supreme Court decisions, federal statutes and regulations, and other documents including, but not limited to, court rules and procedures, federal sentencing guidelines, and resource materials. The ELL also contains the BOP Program Statements. ELL access is available at workstations located in housing units, SHU, and the Education Department.

3. SERVICE OF PROCESS ON INMATES

BOP staff are prohibited from effecting service of process on inmates. MDC Brooklyn policy requires that

an inmate be served by a federal, state or local law enforcement official (Marshals or Sheriffs). Because service of process occurs within the secure confines of the institution, private process servers, who are not also law enforcement officials, may not serve inmates. The qualified process server must contact MDC Brooklyn's Inmate Systems Management department at (718) 840-5000 to schedule an appointment before coming to the institution.

(D) RELEASE OF INFORMATION

1. SUBPOENAS / MEDICAL RECORDS / TOUHY REQUESTS

Subpoenas for documents must be emailed to the MDC Brooklyn Legal Department at BRO-Subpoenas-S@bop.gov. Upon receipt of the email, MDC Brooklyn will begin gathering the requested documents. Please be advised that the Privacy Act prohibits the release of any information pursuant to a subpoena without the written permission of the individual to whom the records pertain. This requirement applies to attorneys requesting documents about their clients. Therefore, an attorney must provide a signed consent for release of information from his or her client along with any subpoena for information. However, all other subpoenaed records will be provided to the United States Attorney's Office for a determination of whether to release the documents, pursuant to the Touhy regulations, 28 C.F.R. § 16.21 et seq. For medical records, this release must be a HIPAA form signed by the defendant within the last 90 days.

The U. S. Department of Justice has promulgated regulations governing the procedure whenever a demand is made to one of its employees to produce information obtained through their employment with the Department of Justice. This includes any time testimony is sought from a Department of Justice employee. This regulation, found at 28 C.F.R. §§16.21-16.29, requires authorization from the United States before any such information may be provided. See United States ex rel Touhy v. Ragen, 340 U.S. 462 (1951). Regulation 16.22 sets forth the requirements in cases in which the United States is not a party. Regulation 16.23 sets forth the requirements in cases in which the United States is a party. Regulation 16.26 prohibits disclosures which would violate a statute, such as the Privacy Act. Requesters must comply with these regulations before information will be disclosed by MDC Brooklyn staff. For additional guidance please contact the Legal Department.

Medical Records - Inmates may request a copy of their medical records (including psychiatric records) and send a copy to their attorneys.

For inmates that are no long in BOP custody - Attorneys may request their client's medical records either by following the procedure described above regarding subpoenas for client medical records or by submitting a request to the BOP FOIA Office via its publicly available email: BOP-OGC-EFOIA-S@bop.gov. If an attorney submits a Certification of Identity form signed by their client, a HIPAA form signed by their client within the last 90 days, and a request for their client's medical record to that email address, the request will ordinarily be processed within one business day of receipt. Please note, however, the client's written authorization to provide the medical records to an attorney must be either (1) notarized or (2) sworn under penalty of perjury. A DOJ-Form 361 may be used to satisfy the authorization requirements. The form may be accessed at www.bop.gov/inmates/docs/doj_361.pdf.

If the attorney does not have a signed consent form from his or her client, the attorney may request medical

records by including the following information in an email to bop-ogc-efoia-s@bop.gov:

1. Full name;
2. Current address;
3. Date of birth; and,
4. Place of birth.

In addition, the attorney must provide either a DOJ-361 Form completed and signed by the attorney or a statement either notarized or sworn under penalty of perjury on behalf of the inmate attesting that:

1. The attorney represents the inmate; and,
2. The medical records are necessary to adequately represent his/her client.

If more than two years of records are needed and/or additional records such as a central file are needed, the FOIA office will send the 2 years of medical records and process the remaining portions of the request under FOIA. Additional information can be found at www.bop.gov/foia/index.jsp#tabs-0.

BOP staff are not at liberty to discuss information with an inmate's attorney related to that inmate's medical condition unless the attorney provides a HIPAA form signed by the inmate within the last 90 days. Attorneys are encouraged to seek such information directly from their clients (See Release of Information section above).

If a newly arriving inmate has prior non-BOP medical records, we kindly request you send the records via email to BRO-MedicalRecords-S@bop.gov so that the records can be sent directly to the Medical Department.

2. RELEASE OF INFORMATION/ACCESS TO RECORDS

The BOP website is located at www.bop.gov. This site provides access to public information, which includes program statements, the BOP's directory of facilities, regional and central offices, statistics, employment information, acquisition information, Freedom of Information Act information, search capability, and links to other relevant Internet sites. BOP staff may only disclose records to third parties in accordance with the Freedom of Information Act, 5 U.S.C. § 522, the Privacy Act, 5 U.S.C. § 552a, and Department Regulations. Defense counsel are considered third parties for the purpose of the above-mentioned statutes and regulations. Information can be obtained through the inmate directly, or through a properly submitted FOIA/PA request. FOIA requests can be directed to FOI/PA Section, Federal Bureau of Prisons, HOLC Building - Room 738, 320 First Street, N.W., Washington, D.C. 20534, or through the bop website at <http://www.bop.gov/foia/index.jsp#tabs-0>. The BOP's FOIA Service Center can be reached at telephone number (202) 616-7750 or e-mail BOP-OGC-EFOIA-S@bop.gov.

(E) INMATE REQUEST FOR ASSISTANCE

1. INMATE ADMINISTRATIVE REMEDY PROCESS

While the MDC Brooklyn Legal Department welcomes inquiries from attorneys regarding inmate Discovery procedures, medical inquiries, etc., it is imperative that the inmate first attempt to resolve the situation

internally either by speaking to appropriate staff or through the Administrative Remedy Process. Further, all housing units have information bulletin boards with information posted for the inmate population explaining sick call procedures, information about access to discovery, etc. Additionally, all inmates receive an Orientation and Admission (A&O) Handbook upon arrival at MDC Brooklyn which provides information about institution operations including program availability, the Administrative Remedy Program, and available medical and mental health programs. The MDC Brooklyn A&O Handbook may be accessed at www.bop.gov/locations/institutions/bro/bro_ao-handbook.pdf?v=1.0.0.

The BOP's Administrative Remedy Program is a process through which inmates may seek formal review of an issue relating to virtually any aspect of their confinement if informal procedures have not resolved the matter. See 28 C.F.R. Part 542, and Program Statement 1330.13, Administrative Remedy Program. That policy may be accessed at www.bop.gov/policy/progstat/1330_018.pdf

Inmates are obligated to attempt informal resolution of grievances prior to filing a formal request for administrative remedy. See 28 C.F.R. §542.13. The deadline for completion of informal resolution and submission of a formal written Administrative Remedy Request, on the appropriate form, is 20 calendar days following the date on which the basis for the Request occurred. See 28 C.F.R. §542.14.

- Once an inmate has filed a formal grievance at the institution level (BP-9), the Warden of that facility has 20 calendar days to investigate and provide the inmate a written response. See 28 C.F.R. §542.18.
- If the inmate is not satisfied with the Warden's response, he/she has 20 calendar days to file a Regional Administrative Remedy Appeal (BP-10). See 28 C.F.R. §542.15.
- Once received in the Regional Office, the Regional Director has 30 calendar days to investigate and provide the inmate a written response. See 28 C.F.R. §542.18.
- If the inmate is not satisfied with the Regional Director's response, he/she has 30 calendar days to file a Central Office Administrative Remedy Appeal (BP-11). See 28 C.F.R. §15.
- Once received in the Central Office, the Administrator, National Inmate Appeals, has 40 days to investigate and provide the inmate a written response. 28 C.F.R. §542.18.
- After receiving the Administrator's response, the inmate has exhausted the Bureau's Administrative Remedy Program.

The program provides for expedited investigations and responses in emergency situations, as well as providing extensions of time for both filing grievances and receiving responses. At any level, an Administrative Remedy may be rejected if it does not fully comply with Program Statement 1330.13, Administrative Remedy Program.

If the inmate is complaining about a sensitive issue, in the sense that the inmate's safety or well-being would be placed in danger if the request became known at the institution, the inmate may submit his administrative remedy directly to the appropriate Regional Director, marking "Sensitive" upon the request and explaining, in writing, the reason for not submitting the request at the institution. See Program Statement 1330.13, Sec.8(d)(1), Administrative Remedy Program.

If the Regional Administrative Remedy Coordinator agrees that the request is sensitive, the request shall be accepted, investigated, and responded to. Otherwise, the request will not be accepted, and the inmate shall be advised in writing of that determination, without return of the request. The inmate may then pursue the matter by submitting a Request for Administrative Remedy locally to the Warden. The Warden

shall allow a reasonable extension of time for such a resubmission. See 28 C.F.R. §542.17.

Special procedures regarding the appeal of DHO actions may be found at 28 C.F.R. §542.14(d)(2). Appeals from Discipline Hearing Officer actions shall be submitted initially to the Regional Director for the region where the inmate is currently located.

2. TORT CLAIMS AND INJURIES

Pursuant to the Program Statement 1320.06, Federal Tort Claims Act (FTCA), a claim for monetary damages for personal injury or death and/or damage to or loss of property must be filed against the United States by the injured party with the appropriate Federal agency for administrative action. General provisions for processing administrative claims under the FTCA are contained in 28 C.F.R. Part 14.

- The provisions in this subpart describe the procedures to follow when filing an administrative tort claim with the Bureau of Prisons. Under the FTCA, the government may be liable for the negligent or wrongful acts or omissions of its employees while acting within the scope of their employment. However, all pending detention of property claims will not be processed under the FTCA.
- Claims for the loss or destruction of property are administered separately pursuant to Program Statement 5580.09, Inmate Property Claims. That policy may be accessed at www.bop.gov/policy/progstat/5580.09.pdf.

3. INMATE ACCIDENT COMPENSATION

The Inmate Accident Compensation Program is the exclusive remedy available to inmates who sustain an injury while performing assigned work duty. Such claims should be processed pursuant to the Inmate Accident Compensation Act at 28 C.F.R. Part 345.

(F) MEDICAL

1. INTAKE

All inmates, upon arrival to MDC Brooklyn are initially housed in the intake housing unit where they will remain for approximately one (1) week. During this time, each inmate is screened by medical, psychology, unit team and others, and thereafter classified for appropriate housing. While on this unit, inmates will be screened generally within 24-48 hours of their arrival by a clinician and will be asked basic questions about previous medical conditions, medications, etc. If an inmate is on prescription medication, it is their responsibility to inform the clinician of this information. Depending on the medication, it may be prescribed for a temporary period until a full physical examination is conducted, generally within 30 days of the inmate's arrival. While inmates are generally screened within 24 hours after their arrival, delays can arise since inmates may have court appearances two to three days in a row after their arrival. The Health Services Department screens over 200-300 newly arrived inmates weekly.

2. SICK CALL

Inmates are advised during their physical examination that if they wish to be evaluated by the Health Services Department, they must submit a sick call request via TRULINCS to the department. It is imperative that inmates use this system, as it helps the department track requests and have inmates seen on a first need to be seen basis. If an inmate has a verified chronic condition (e.g., diabetes, hypertension, etc.) he will be placed in a chronic care clinic and scheduled for appointments automatically. Sick call requests are triaged by a medical assistant. Requests will be prioritized in accordance with greatest medical need. Inmates will be charged a \$2.00 co-pay fee for all non-chronic care, non-emergent appointments, unless the inmate is determined to be indigent as described in BOP Program Statement 6031.02, *Inmate Copayment Program*. Additionally, the A&O Handbook issued to each inmate provides detailed information on how to access medical and mental health services.

Inmates in SHU who are unable to utilize the electronic sick call sign up can access sick call by submitting a written request for evaluation or by verbally asking for a sick call appointment when the Health Services clinician makes daily rounds in the secured unit.

3. EMERGENCY CARE

Anytime there is a medical emergency on a unit, the inmate should notify the unit officer who can call the on-duty medical staff to respond immediately.

4. MEDICATION

With regards to medication, MDC Brooklyn staff will make every effort to continue an inmate on prescribed medication as long as the inmate can verify the prescription (a prescription, a prescription bottle, etc.). Prescribed medications are given free of charge in accordance with an established National Formulary. If medical staff find it necessary to prescribe a substitute medication, they will do so. If an inmate is prescribed a medication that has refills, it is their responsibility to notify the pharmacy when they need a refill.

If an inmate is prescribed medications, it will usually be on a refill basis. When the current amount is about to expire, it is the inmate's responsibility to notify pharmacy staff that they need a refill. This can be accomplished by submitting a request to the pharmacy department via TRULINCS. If medical staff feel that an inmate should not be in possession of certain medications they need (i.e., psychiatric medication), the inmate will be administered the medication by pharmacy during daily pill line.

5. MENTAL HEALTH

On-site mental health care is available at MDC Brooklyn's Psychology Services Department. Inmates have access to counseling and mental health programs. The BOP has designated MDC Brooklyn as a forensic study facility (psychiatric examinations are conducted by BOP forensic psychologists), but it is not the sole forensic facility for Southern and Eastern District of New York inmates. BOP Program Statement 5070.12, Forensic and Other Mental Health Evaluations, provides information on forensic examinations. If the inmate requires forensic evaluation by the BOP, the court will have to order it and the inmate will be sent

to a forensic exam facility or the exam can be completed in the local community. The U.S. Attorney's Office must provide a copy of the Court Order for exam to the U.S. Marshals Service and the request to send an inmate to a forensic examination facility will be processed by the BOP's Office of Medical Designations and Transportation (OMDT), not MDC Brooklyn. After MDC Brooklyn receives custody of the inmate, the forensic exam may commence thereafter subject to the workload of the forensic exam team. Be advised there may be some extensions requested to the court in order to complete the forensic exam. Title 18 U.S.C. §§ 4241-4247 provides the necessary judicial procedures which must take place when an offender appears to be, or is, suffering from a mental disease or defect.

If an inmate is determined to be at risk for self-harm, it may be necessary to place the inmate on suicide watch to effectively address the crisis. Inmates on suicide watch must remain under direct continuous visual observation. Their personal property is restricted while on suicide watch to limit access to items that could be used for self-harm. For safety reasons, inmates on suicide watch may not be able to attend court, participate in legal visits, or make legal phone calls. In these cases, BOP staff will notify the court or attorney of the inmate's status and any restrictions which are deemed necessary by clinical staff to keep the individual safe. BOP staff will work with the court and attorneys to ensure that the defendant is available for any required hearings, meetings, or legal visits or calls as soon as they are clinically stable and safe. For more information, please see Program Statement 5324.08, Suicide Prevention Program.

(G) TRANSGENDER OFFENDERS

The BOP provides multidisciplinary gender affirming care to transgender inmates. Program Statement 5200.08, Transgender Offender Manual, ensures that staff are meeting the needs related to the care and programming of transgender inmates. The Psychology Department conducts an assessment, and the Medical Department may prescribe treatment and gender affirming medical devices. The institution provides accommodations to include access to commissary for their gender, gender affirming clothing, and other amenities. Housing assignments will be reviewed carefully and determined by the appropriate officials.

(H) PRE-TRIAL INMATES, VIOLATORS OF SUPERVISION, HOLDOVERS, PRE-SENTENCE

All pretrial inmates are screened by medical, psychology, unit team, and others. Most importantly, a potential pretrial inmate must not have any injury which requires immediate medical attention. They have to be drug and/or alcohol free in the past 24 hours. MDC Brooklyn also does not accept inmates who are expressing suicidal ideations. Pretrial inmates may be accepted at the Receiving and Discharge (R&D) office: Saturday and Sunday from 8:00 a.m., and Monday to Friday, 8:00 a.m. and 3:00 p.m.

Please have the arresting agent send R&D the prisoner remand to include the pretrial inmate bio and personal information including charging documents if available, to the R&D's email BRO-CorrectionalSys-S@bop.gov and R&D's Fax (718) 840-5003.

(I) MISCELLANEOUS

1. COURT CLOTHING

Court clothing for trial can be delivered in one of two ways:

- a. Prior to an individual bringing in clothes, it is the inmate's responsibility to submit an "Authorization to Receive a Package or Property BP 331" to his Unit Counselor. This form can be obtained from the inmate's Unit Team. The Unit Counselor will then deliver one copy of that form to the Receiving and Discharge (R&D) Department. The inmate will receive the other copies of that form so that he may mail it to the individual who will be dropping off the court clothes. The individual bringing the clothing should call R&D staff in advance before dropping off clothes. Once authorized, they must bring the copy of the BP 331 form with the package and notify the lobby officer who will contact a staff member from the R&D department. An R&D staff member will then report to the lobby and accept the clothing.
- b. A court order can be obtained in lieu of the BP331 form mentioned above. A call to R&D at (718) 840-5000 in advance of dropping off the clothing must still be made. Inmates are allowed up to two sets of trial clothes.
 - Monday through Thursday 8:00 a.m. – 2:00 p.m.
 - Fridays 8:00 a.m. – 12:00 p.m.

2. INMATE DESIGNATIONS

Most inmates at MDC Brooklyn are pre-trial detainees who, if sentenced, will serve their sentence in another institution. However, an inmate is not transported to a new institution immediately upon sentencing. The sentencing court must first provide to the USMS the final presentence investigation report and a signed judgment and commitment order. The USMS must then forward these documents along with a request for designation to the BOP's Designation and Sentence Computation Center (DSCC), located in Grand Prairie, Texas.

For more information about designations, see www.bop.gov/inmates/custody_and_care/designations.jsp.

Questions about the designation process may be directed to the DSCC as follows:

Designation and Sentence Computation Center
Grand Prairie Office Complex
U.S. Armed Forces Reserve Complex
346 Marine Forces Drive
Grand Prairie, TX 75051
Phone: (972) 352-4400
Fax: (972) 352-4395
BOP-CPD-DSC-PolicyCorrespondence-S@bop.gov

3. RELIGIOUS PROGRAMS

Title 28 C.F.R. §548, Religious Programs and Program Statement 5360.09, Religious Beliefs and Practices set forth the Bureau of Prisons' policy for inmates who wish to practice their religion while incarcerated. Chaplains are available at all institutions. See 28 C.F.R. §548.12. In addition, contract religious clergy and volunteers from the community augment Bureau staff to make available a wide variety of programs, including those involving group worship, individual religions counseling, spiritual guidance, and the study of sacred writings. See 28 C.F.R. §548.14. Inmates must make all religious requests through the Religious Services Department.

4. FOOD SERVICES

Program Statement 4700.04, Food Service Manual provides that Bureau professionals will manage a food service program that provides nutritionally balanced, high-quality meals, and that all Bureau institutions will ensure their meals are nutritionally adequate. Title 28 C.F.R. §548, Subpart C - Special Food and Meals, provides that special diets are available to meet the medical needs of diabetics and others who require low-salt, low-calorie, or other special diets. Additionally, "common-fare" meals are offered to inmates whose religious practices require dietary restrictions. See 28 C.F.R. §§547.20(b) and 548.20; Program Statement 5360.09, Religious Beliefs and Practices. The common fare program is designed to meet the dietary requirements of different religions.

5. ADMISSION AND ORIENTATION HANDBOOK

Inmates entering MDC Brooklyn are provided with an Admission and Orientation ("A&O") handbook, which explains institution rules and procedures. The A&O handbook addresses subjects such as purchasing items from the commissary, inmate correspondence and the inmate administrative remedy process. The MDC Brooklyn A&O Handbook may be accessed at www.bop.gov/locations/bro/bro_ao-handbook.pdf?v=1.0.0.

6. SENDING FUNDS TO INMATES

Inmates' families and friends may send inmates funds through Western Union's Quick Collect Program or through the National Lock Box. All funds sent via Western Union's Quick Collect will be posted to the inmate's account within two to four hours, when those funds are sent between 7:00 a.m. and 9:00 p.m. EST. Funds received after 9:00 p.m. EST will be posted by the following morning. Funds sent to an inmate through Western Union Quick Collect may be sent via one of the following ways:

- (1) At an agent location with cash. The inmate's family or friend must complete a Blue Quick Collect Send Form. To find the nearest agent that may call 1-800-325-6000.
- (2) By phone using a credit/debit card. The inmate's family or friends may call 1-800-6334-3422 and press option 2.
- (3) ONLINE using a credit/debit card; www.westernunion.com; select bill payment, select quick collect.

For each Western Union Quick Collect Transaction, the following information must be provided:

- (1) Inmate Register Number
- (2) Inmate Name (exactly as committed)
- (3) City Code: FBOP
- (4) State Code: DC

Please note that the inmate's name and register number must be entered correctly; if the sender does not provide the correct information, the transaction cannot be completed. The City Code will always be BOP and the State Code will always be DC.

Each transaction is accepted or rejected at the point of sale. The sender has the sole responsibility of sending the funds to the correct inmate. If an incorrect register number and/or name are used and accepted and posted to that inmate, funds may not be returned.

The BOP public webpage provides detailed information on how to send funds to an inmate. See www.bop.gov/inmates/communications.jsp

7. MARRIAGE

Inmates who are seeking authorization to marry while in confinement must submit a written request through their case manager. See BOP Program Statement 5326.05, Marriages of Inmates, which may be viewed at www.bop.gov/policy/progstat/5326_005.pdf.

8. PERSONAL PROPERTY

BOP policy on inmate retention of personal property is found in Program Statement 5580.07, Personal Property, Inmate. See also 28 C.F.R. Part 553 - Inmate Property. Inmates may only possess property authorized by policy. See 28 C.F.R. §553.11. Those rules contribute to the management of inmate personal property in the institution and contribute to a safe environment for staff and inmates by reducing fire hazards, security risk, and sanitation problems. Personal hygiene items are issued by the institution for indigent inmates. Inmates may also purchase personal property items from the institution commissary.

9. INMATE DISCIPLINE PROCESS

Pursuant to 18 U.S.C. § 4042(a)(3), the BOP implemented disciplinary process to ensure that inmates live in a safe and orderly environment and affords due process protections in accordance with applicable case law. See 28 C.F.R. § 541.10 and Program Statement 5270.09, Inmate Discipline Program, which may be accessed at www.bop.gov/policy/progstat/5270_009_cn_1.pdf. Only institution staff may take disciplinary action against inmates. Corporal punishment, as well as retaliatory and capricious disciplinary action, is not permitted under any circumstances.

(J) FIRST STEP ACT

On December 21, 2018, President Donald J. Trump signed into law the First Step Act (FSA) of 2018 (P.L. 115- 391). The act was the culmination of a bi-partisan effort to improve criminal justice outcomes, as well as to reduce the size of the federal prison population while also creating mechanisms to maintain public

safety.

For an expanded and detailed overview. See <https://crsreports.congress.gov/product/pdf/R/R45558> and the DOJ First Step Act Annual Report, April 2023 at www.ojp.gov/first-step-act-annual-report-april-2023.

The BOP's Program Statement 5410.01, First Step Act of 2018 – Time Credits: Procedures for Implementation of 18 U.S.C. § 3632(d)(4) provides guidance in awarding “FSA credits” or “Time Credits.” An inmate’s eligibility for Time Credits will be evaluated when he/she arrives at the designated facility. Pretrial inmates will not be assessed for FSA.

- Eligible inmates can earn time credits towards pre-release custody. Offenses that make inmates ineligible to earn time credits are generally categorized as violent, or involve terrorism, espionage, human trafficking, sex and sexual exploitation; additionally excluded offenses are a repeat felon in possession of firearm, or high-level drug offenses.
- For more details, refer to the complete list of disqualifying offenses, which may be viewed at www.bop.gov/resources/fsa/time_credits_disqualifying_offenses.jsp. These ineligible inmates can earn other benefits, as prescribed by BOP, for successfully completing recidivism reduction programming.
 - Specifically, federal inmates can earn up to 54 days of good time credit for every year of their imposed sentence rather than for every year of their sentenced served. For example, this change means that an offender sentenced to 10 years in prison who earns the maximum good time credits each year will earn 540 days of credit. See regulations regarding time credits published in the Federal Register.



To Whom It May Concern:

MDC Brooklyn is in receipt of your request for you, or a person whom you employ or supervise, to be allowed to visit and correspond in relation to legal matters with _____
Federal Register Number _____

All applications can be emailed to BRO-LegalVisit-S@bop.gov

The information supplied on this questionnaire may be used for investigative purposes. **The processing of applications takes a minimum of 14 days** from the date of receipt. **It is the applicant's responsibility to contact MDC Brooklyn's Legal Department to ascertain whether clearance has been granted.**

Upon approval, the applicant's admittance to enter will expire (1) one year from the applicant's date of approval. It is the applicant's responsibility to reapply upon expiration.

GENERAL

This information is provided pursuant to Public Law 93-579, the Privacy Act of December 31, 1974.

PURPOSES & USES

The information you supply may be used as a basis for an investigation regarding your correspondence with _____ Federal Register Number _____.

In the process of conducting the investigation, the Bureau of Prisons may disclose the information to federal, state, or local law enforcement agencies.

EFFECTS OF NONDISCLOSURE

You are not required to supply the information requested on the attached questionnaire. **If you do not furnish the information requested, the processing of your request will be suspended, and you will receive no further consideration. If you furnish only part of the information required, the processing of your request will be attempted; however, it may be significantly delayed. If the information withheld is found to be essential to processing your request, you will be informed, and your request will receive no further consideration unless the missing information is supplied.** Although no penalties are authorized for failure to supply the requested information, failure to supply the information could result in your not being considered for or allowed admittance to the institution or correspondence privileges with the party in question.

PARALEGAL PRIVATE INVESTIGATOR (See Page 9)
 INTERPRETER MITIGATION SPECIALIST (See Page 10)
 OTHER _____

APPLICATION TO ENTER AN INSTITUTION OR CORRESPOND WITH A FEDERAL PRISONER AS THE REPRESENTATIVE OF A LICENSED ATTORNEY.

This form has four parts:

1. Questionnaire: This questionnaire is to be completed by each paralegal, legal assistant, clerk, student, interpreter, mitigation specialist or private investigator who seeks to enter an institution of the Federal Bureau of Prisons to visit or correspond with a federal prisoner as the representative of a licensed attorney. Applications will not be processed unless this questionnaire with signature is received by the Legal Department.
2. Certification: Each person seeking clearance to visit or correspond with an Adult in Custody must sign the certification which follows the questionnaire and enclose a copy of their driver's license.
3. Attorney's Statement: The licensed sponsoring attorney must sign the sponsoring statement. This application will not be processed if the Attorney's Sponsoring Statement is not completed.
4. NCIC Check: This application will not be processed if the NCIC Check (BP-S0660.012), is not signed and dated.

QUESTIONNAIRE

NOTE: Answer all questions. If a question does not apply to you, write "Not Applicable" in the space provided for the answer.

Name: _____

A: Any alias or other name ever used: _____

Name: _____ When Used: _____

Social Security Number: _____

Date of Birth: _____ Place of Birth: _____

Sex: _____ Race: _____

Present Residential Address _____

Length of time at this address: _____

Home telephone number: _____

List all residential addresses (including street and number, city and state) for the last five (5) years as well as dates resided at each address:

Addresses

Dates

Present Place of Employment: _____

Name of immediate supervisor: _____

Employer's business address: _____

Employer's telephone number: _____

Dates of Employment: _____

List all previous employers for the past five (5) years, including employers' addresses and dates of your employment with each employer:

EMPLOYER

ADDRESS

DATES OF EMPLOYMENT

List all schools, universities, or other educational institutions attended from grade 10 to present (this should include any and all legal training that you have received):

SCHOOL **ADDRESS** **DEGREE & DATE RECEIVED**

- a) Paralegal applications require the applicant A) be a law school graduate B) provide a copy of their paralegal certificate or C) have a minimum of (6) months experience as a paralegal with a signed letter from the sponsoring attorney stating applicant's duties.

- b) Interpreter applicants are not authorized to operate on their own, as hired by an Adult in Custody or as hired by anyone other than the attorney of record. Interpreters can only enter the institution accompanied by the attorney of record or a pre-approved legal professional.

Have you ever been convicted of ANY criminal offense? _____

If so, complete the following. You may exclude any convictions for minor traffic violations (fine of \$150.00 or less)

OFFENSE **DATE OF CONVICTION** **NAME & LOCATION OF COURT**

Have you ever been confined in any jail, prison or penal institution? _____
If so, complete the following:

Type of Institution **Location** **Dates of Confinement**
(State, Federal, Municipal County)

Have you ever been charged with a criminal offense? If yes, please briefly summarize circumstances and legal disposition of the case.

Have you ever been denied permission to visit or correspond with an Adult in Custody by an institution within the Federal Bureau of Prisons (social or legal)?

If so, state the institution(s), Adult(s) in Custody and date(s) of denial.

Are you a citizen of the United States? _____

If not, give the name of the country of which you are a citizen or subject:

Alien Registration Number: _____

Passport Number: _____

Are you a relative of or have a social relationship with the Adult(s) in Custody you are seeking to visit with at MDC? If yes, please explain relationship.

Are you currently on, or seeking to be placed on the social visiting list of any Adult(s) in Custody housed at a federal institution?

STATEMENT OF APPLICANT

I certify that I am authorized to act as the legal representative of _____

who is a licensed member of the bar of the State of _____

I request that I be allowed to interview and correspond with _____

Federal Register Number _____, who is confined at the MDC/ MCC.

I am aware of my responsibility as a representative of the above-named attorney and certify that I

am able to meet this responsibility. I am also aware of the Bureau of Prisons' Policy on Inmate

Legal Activities and certify that I am able to and will adhere to the requirements of this policy. I

pledge to abide by Bureau of Prisons regulations and institution guidelines. I hereby certify that all

of the information contained in this questionnaire is true and correct to the best of my knowledge.

Furthermore, I understand that all information contained in this questionnaire may be investigated

and verified through the use of federal, state and local authorities.

Applicant's printed name: _____

Applicant's signature: _____

Date Completed: _____

Private Investigators must submit a copy of Private Investigators Certificate and Private Investigator's photo identification.

STATEMENT OF SPONSORING ATTORNEY

I hereby certify that I am a licensed member of the bar of the State of _____

and that I employ or supervise _____

I authorize _____ to represent me and request that my representative be allowed to interview and correspond with _____

Federal Register Number _____, who is currently confined at **MDC**

Brooklyn, I further certify that _____ is aware of the responsibility of her/his role *as* my representative and is able to meet this responsibility. I

pledge that I will supervise my representative's activities, and I accept personal and professional responsibility for all acts of my representative which affect the institution, its Adults in Custody, and employees.

Attorney's printed name: _____

Address: _____

Telephone Number: _____

Attorney's Signature: _____

Date Completed: _____

PRIVATE INVESTIGATOR APPLICANTS

The following visiting procedures will be applied to Private Investigators entering the institutions:

Approved Private Investigators are permitted to enter the institutions without the accompaniment of their sponsoring attorneys.

Private Investigators are required to submit an additional statement of sponsoring attorney and a copy of their Private Investigator's license EACH TIME THEY WANT TO VISIT ON BEHALF OF AN ATTORNEY OTHER THAN THE INITIAL SPONSORING ATTORNEY.

Private Investigator's clearance to enter MDC Brooklyn expires one year from the date of approval or upon the expiration of private investigator's license (whichever comes sooner).

Private Investigators are permitted to be accompanied by pre-approved interpreters, if necessary.

Please be advised, it is the responsibility of the Private Investigator to ensure sponsoring attorneys are aware of the above procedures. The enclosed Sponsoring Statement form can be reproduced locally.

MITIGATION SPECIALIST

The following visiting procedures apply to Mitigation Specialists entering MDC Brooklyn:

Approved Mitigation Specialists are permitted to enter without the accompaniment of a sponsoring attorney.

Mitigation Specialists will be required to submit a letter from a sponsoring attorney **EACH TIME THEY VISIT ON BEHALF OF AN ATTORNEY.**

Mitigation Specialists are required to submit the statement of sponsoring attorney with the sponsorship letter for each Adult in Custody or an Order from the Court.

A letter from the sponsoring attorney must be produced for each Adult in Custody the Mitigation Specialist visits. Sponsoring attorney letters expire one (1) year from the date issued or upon renewal of application, whichever comes sooner.

Mitigation Specialists will be permitted to bring pre-approved interpreters, if necessary.

Mitigation Specialists must schedule visits by sending the date and time of the visit along with a copy of the signed letter. The correspondence should include the Adult in Custody's full name and register number and sent a minimum of two (2) business days in advance of proposed visit.

All correspondence should be directed to BRO-LegalVisit-S@bop.gov

Please be advised, it is the responsibility of the Mitigation Specialist to advise the sponsoring attorneys of the procedures. The enclosed Sponsoring Statement form can be reproduced locally.

**AUTHORIZATION FOR RELEASE OF INFORMATION
NCIC (National Crime Information Center) CHECK**

I hereby authorize a representative of the Federal Bureau of Prisons to obtain any information on my criminal history background. I understand that this check must be done before I am allowed to enter/serve at any Bureau facility. I also understand that refusal to provide all necessary information may result in 1) denial of entry into a Bureau facility and 2) denial of volunteer/contract status.

1. Name (Last, First, Middle)

2. Address (Street address) (City, State, County, Zip Code)

3. Home Telephone Number (Area Code, Number):

4. Aliases/Nickname:

5. Citizenship (List the country you are a citizen of):

6. Social Security Number:

7. Date of Birth (Month, day, year):

8a. Sex:

8b. Race:

8c. Height:

8d. Weight:

8e. Color of Eyes:

8f. Color of Hair:

9. Place of Birth (City, State, County), (List city, county and country if outside the U.S.A)

10. The above listed information is true and correct. **Applicant's Signature**

10a. Date

PRIVACY ACT NOTICE

Authority for Collecting Information: E.O. 10450; 5 USC 1303-1305; 42 USC 2165 and 2455; 22 USC 2585 and 2519; and 5 USC 3301

Purposes and Uses: Information provided on this form will be furnished to individuals in order to obtain information regarding activities in connection with an investigation to determine (1) fitness for Federal employment, (2) clearance to perform contractual service for the Federal Government, (3) security clearance or access. The information obtained may be furnished to third parties as necessary in the fulfillment of official responsibilities.

Effects of Non-disclosures: Furnishing the requested information is voluntary, but failure to provide all or of part the information may result in lack of further consideration for employment, clearance or access, or in the termination of your employment.

GENERAL

This information is provided pursuant to Public Law 93 - 579, the Privacy Act of December 31, 1974.

PURPOSES AND USES

The information you supply may be used as a basis for an investigation regarding your correspondence with _____ and admission to visit this person at _____. In the process of conducting the investigation, the Bureau of Prisons may disclose the information to federal, state, or local law enforcement agencies.

EFFECTS OF NONDISCLOSURE

You are not required to supply the information requested on the attached form. If you do not furnish the information requested, the processing of your request will be suspended, and you will receive no further consideration. If you furnish only part of the information required, the processing of your request will be attempted; however, it may be significantly delayed. If the information withheld is found to be essential to processing your request properly, you will be so informed, and your request will receive no further consideration unless you supply the missing information. Although no penalties are authorized for failure to supply the requested information, failure to supply the information could result in your not being considered for or allowed admittance to the institution or correspondence privileges with the inmate in question.

APPLICATION TO ENTER INSTITUTION AS THE REPRESENTATIVE OF A LICENSED ATTORNEY OR TO CORRESPOND WITH A FEDERAL PRISONER AS THE REPRESENTATIVE OF A LICENSED ATTORNEY

This form has three parts:

1. Questionnaire : The questionnaire is to be completed by each paralegal employee, legal assistant, clerk or student who seeks to enter an institution of Federal Bureau of Prisons as the representative of a licensed attorney to visit a federal prisoner or to correspond with a federal prisoner as the attorney's representative.
2. Certification : The person seeking to enter a federal institution or to visit or correspond with a federal prisoner must sign the certification which follows the questionnaire.
3. Attorney's Statement : The licensed attorney must sign this statement.

QUESTIONNAIRE

(NOTE: Answer all questions. If a question does not apply to you, write "Not Applicable" in the space provided for the answer.)

1. Name: _____

2. a. Any alias or other name ever used:

Name: _____ When used: _____

Name: _____ When used: _____

b. Date of Birth: _____

3.

a. Present Address: _____

b. How long at this address? _____

c. List all previous addresses (Including Street and Number, City and State) for the last five years and dates you resided at each address:

4.

a. Present place of employment: _____

b. Name of immediate supervisor: _____

c. Employer's business address: _____

d. Employer's business phone: _____

e. List all previous employers for the past five years, including employer's addresses and dates of your employment with each employer:

<u>Employer</u>	<u>Address</u>	<u>Dates of Employment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. List all schools, universities, or other educational institutions attended from grade 10 to present (This should include any and all legal training that you have received):

<u>School</u>	<u>Address</u>	<u>Degree and date received</u>
_____	_____	_____
_____	_____	_____

6. Have you ever been convicted of ANY criminal offense? If so, complete the following. You may exclude any convictions for minor traffic violations (fine of \$50 or less).

<u>Offense</u>	<u>Date of Conviction</u>	<u>Name, Location of Court</u>
_____	_____	_____
_____	_____	_____

7. Have you ever been confined in any jail, prison or penal institution? If so, complete the following:

<u>Type of Institution</u> (State, Federal, Municipal, County)	<u>Location</u>	<u>Dates of Confinement</u>
_____	_____	_____
_____	_____	_____

8. Have you ever been denied permission to visit or correspond with any inmate by an institution within the Federal Bureau of Prisons? _____ If so, which institutions, with which inmate, and when?

9. Are you a citizen of the United States? _____ If not, give the name of the country of which you are a citizen or subject. _____

STATEMENT OF APPLICANT SEEKING TO ENTER AN INSTITUTION TO VISIT OR TO CORRESPOND WITH A FEDERAL AS THE REPRESENTATIVE OF A LICENSED ATTORNEY

I certify that I am authorized to act as the legal representative of _____, who is a licensed member of the bar of the State of _____. I request that I be allowed to interview and correspond with _____, who is confined at _____. I am aware of my responsibility as a representative of the above-named attorney and certify that I am able to meet this responsibility. I am also aware of the Bureau of Prison's Policy on Inmate Legal Activities and certify that I am able to and will adhere to the requirements of this policy. I pledge to abide by Bureau of Prisons regulations and Institution guidelines.

I hereby certify that all of the information contained in this questionnaire is true and correct to the best of my knowledge. Furthermore, I understand that all information contained in this questionnaire may be investigated and verified through the use of federal, state, and local authorities. Applicant's printed name: _____

Applicant's signature: _____

Date completed: _____

STATEMENT OF SPONSORING ATTORNEY

I hereby certify that I am a licensed member of the bar of the State of _____ and that I employ or supervise _____. I authorize _____ to represent me and request that as my representative he/she be allowed to interview and correspond with _____ who is currently confined at _____. I further certify that _____ is aware of the responsibility of his/her role as my representative and is able to meet this responsibility. I pledge that I will supervise my representative's activities. I accept personal and professional responsibility for all acts of my representative which affect the institution, its inmates or staff.

Attorney's printed name: _____

Attorney's signature: _____

Date completed: _____

CRIMINAL HISTORY CHECK

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

AUTHORIZATION FOR RELEASE OF INFORMATION CRIMINAL HISTORY CHECK

I hereby authorize a representative of the Federal Bureau of Prisons to obtain information on my criminal history background. I understand that this check must be done before I am allowed to enter/serve at any Bureau facility. I also understand that refusal to provide all necessary information may result in (1) denial of entry into a Bureau facility and (2) denial of volunteer/contract status.

1. Name (Last, First, Middle)

2. Address (Street address — City, State, County, Zip Code)

3. Home Telephone Number (Area Code, Number):

4. Aliases/Nickname:

5. Citizenship (List the country you are a citizen of):

6. Social Security Number:

7. Date of Birth (Month, day, year):

8a. Sex:

8b. Race:

8c. Height:

8d. Weight:

8e. Color of Eyes:

9f. Color of Hair:

9. Place of Birth (City, State, County) List city, county, and country if outside the U.S.A.

10. The above-listed information is true and correct.
Applicant's Signature

10a. Date

PRIVACY ACT NOTICE

Authority for Collecting Information: E.O. 10450; 5 USC 1303-1305; 42 USC 2165 and 2455; 22 USC 2585 and 2519; and 5 USC 3301

Purposes and Uses: Information provided on this form will be furnished to individuals in order to obtain information regarding activities in connection with an investigation to determine (1) fitness for Federal employment, (2) clearance to perform contractual service for the Federal Government, (3) security clearance or access. The information obtained may be furnished to third parties as necessary in the fulfillment of official responsibilities.

Effects of Non-Disclosures: Furnishing the requested information is voluntary, but failure to provide all or of part the information may result in lack of further consideration for employment, clearance or access, or in the termination of your employment.

****This template is provided to assist Spanish-speaking persons who are not fluent in English to complete the corresponding Bureau form. It is a template only for instructional purposes, and should not be filled in.****

****Este modelo se provee para ayudar a las personas que hablan español y no dominan el inglés para que completen el formulario correspondiente de la Agencia. Es solo un modelo que sirve como ejemplo, y no se debe completar.****

**AUTORIZACIÓN PARA LA DISTRIBUCIÓN DE INFORMACIÓN
CHEQUA LA HISTORIA CRIMINAL**

Por este medio autorizo a un representante de la Agencia Federal de Prisiones a obtener cualquier información sobre los antecedentes de mi historial criminal. Entiendo que este chequeo debe ser hecho antes de recibir permiso para entrar/servir en cualquier instalación de la Agencia Federal de Prisiones. También entiendo que la negación a proveer toda la información necesaria puede resultar en (1) la negación de mi entrada a una instalación de la Agencia Federal de Prisiones y (2) la negación de mi clasificación como voluntario/contratista.

1. Nombre (Apellido, Nombre, Segundo Nombre)
 2. Dirección (Número de Domicilio y Calle) (Ciudad, Estado, Condado, Código Postal)
 3. Número de Teléfono de Casa (Código de Área, Número):
 4. Alias/Apodos:
 5. Ciudadanía (Indique el país de su ciudadanía):
 6. Número de Seguridad Social:
 7. Fecha de Nacimiento (Mes, día, año):
 - 8a. Sexo:
 - 8b. Raza:
 - 8c. Estatura:
 - 8d. Peso:
 - 8e. Color de Ojos:
 - 9f. Color de Cabello:
 9. Lugar de Nacimiento (Ciudad, Estado, Condado), (Indique la ciudad, el condado y el país, si es afuera de EE.UU.)
 10. La información anteriormente listada es verdadera y correcta.
 - 10a. Fecha
- Firma de Solicitante

AVISO SOBRE LA LEY DE PRIVACIDAD

Autoridad para Obtener Información: E.O. 10450; 5 USC 1303-1305; 42 USC 2165 y 2455; 22 USC 2585 y 2519; y 5 USC 3301

Objetivos y Usos: La información provista en este formulario será entregada a individuos, con el fin de obtener información en cuanto a actividades como parte de una investigación realizada para determinar (1) la aptitud para obtener empleo Federal, (2) la autorización para realizar servicio contratado para el Gobierno Federal, (3) la autorización de seguridad o acceso. La información obtenida puede ser entregada a terceras partes, como lo sea necesario, para realizar las responsabilidades oficiales.

Efectos de Información No Divulgada: El proveer la información solicitada es voluntario, pero la falta de proveer toda o parte de la información puede resultar en la privación de futura consideración para empleo, para autorización o acceso, o puede resultar en la terminación de su empleo.

JUNE 10

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Date: _____ Time: _____ Officer's Name: _____

Institution: _____ Location: _____

Name of Inmate To Be Visited: _____ Register No.: _____

NOTICE TO ALL PERSONS: CONSENT TO SEARCH

Federal Bureau of Prisons (Bureau) staff may search you and your belongings (bags, boxes, vehicles, container in vehicles, jackets, coats, etc.) before you enter, or while you are on or inside, Bureau grounds or facilities.

Consent to Search Implied. By entering or attempting to enter Bureau grounds or facilities, you consent to being searched in accordance with Bureau policy and Federal regulations in volume 28 of the Code of Federal Regulations, Part 511. If you refuse to be searched, you may be prohibited from entering Bureau grounds or facilities.

NOTICE TO ALL PERSONS: PROHIBITED ACTIVITIES AND OBJECTS

You are prohibited from engaging in prohibited activities or possessing prohibited objects on Bureau grounds, or in Bureau facilities, without the knowledge and consent of the Warden. Violators may be detained or arrested for possible criminal prosecution, either by Bureau staff, or local or federal law enforcement authorities.

Prohibited Activities include any activities that could jeopardize the Bureau's ability to ensure the safety, security, and orderly operation of Bureau facilities, and protect the public, including, but not limited to, violations of Titles 18 and 21 of the United States Code, Federal regulations, or Bureau policies.

Prohibited Objects include, but are not limited to, weapons; explosives; drugs; intoxicants; currency; cameras of any type; recording equipment; telephones; radios; pagers; electronic devices; and any other objects that violate criminal laws or are prohibited by Federal regulations or Bureau policies.

PLEASE ANSWER THE FOLLOWING QUESTIONS: Are any of the following items in your possession, or in possession of children in your party under 16 years of age?

Tobacco Products	Yes _____	No _____	Narcotics	Yes _____	No _____
Explosives	Yes _____	No _____	Marijuana	Yes _____	No _____
Weapons	Yes _____	No _____	Camera	Yes _____	No _____
Ammunition	Yes _____	No _____	Food Items	Yes _____	No _____
Metal Cutting tools	Yes _____	No _____	Alcoholic Beverages	Yes _____	No _____
Recording Equipment	Yes _____	No _____	Prescription Drug*	Yes _____	No _____
Telephones-any type	Yes _____	No _____	Intoxicants	Yes _____	No _____
Radios	Yes _____	No _____	Pagers	Yes _____	No _____
Electronic Devices	Yes _____	No _____	Firearms	Yes _____	No _____

*All types of medication carried must be listed in the following space, and must be left at the entry area:

I have read, I understand, and I agree to the above. If I am visiting with an inmate, I also understand and agree to abide by the visiting guidelines provided me by this institution. I declare that I do not have articles in my possession which I know to be a threat to institution safety, security, or good order. I am aware that if I have questions about what is authorized, I should consult with the officer. I am aware that the penalty for making a false statement is a fine of not more than \$250,000 or imprisonment of not more than five years or both (pursuant to 18 U.S.C. § 1001). I am aware that the visiting area, including restrooms in the visiting area, may be monitored to ensure institution security and good order.

Printed Name/Signature: _____

Street Address/City and State: _____

Vehicle License No.: _____ Year, Color, Make and Model of Vehicle: _____

If visiting with an inmate, please complete the following: Names of children under 16 years of age for whom I am responsible:

If not visiting with an inmate, please indicate:

Name of Organization: _____ Purpose of Visit: _____

Printed Name/Signature of Staff Witness: _____

FILE IN SECTION 3 UNLESS APPROPRIATE FOR PRIVACY FOLDER

SECTION 3



U.S. Department of Justice
Federal Bureau of Prisons
Metropolitan Detention Center

80 29th Street
Brooklyn, New York 11232

AGREEMENT GOVERNING THE USE OF COMPUTER LAPTOPS, TABLETS, AND EXTERNAL MEMORY DEVICES BY ATTORNEYS AND AUTHORIZED LEGAL VISITORS

As the undersigned attorney or authorized legal visitor, I agree to abide by the following conditions in exchange for the privilege of introducing into the Metropolitan Detention Center at Brooklyn, New York, a laptop, tablet, and/or external memory device, and using said device for the sole purpose of a legal visit.

- (1) All electronic devices are subject to physical inspection for contraband. Attorneys and authorized legal visitors must notify staff that they possess and intend to use an electronic device during the legal visit.
- (2) Electronic data that could affect the security, safety, or good order of the institution is prohibited. See 28 C.F.R. § 500.1(h). Prohibited data includes but is not limited to any material not related to the matter that is the subject of the legal visit, including photos, plans, or drawings of the institution; any personal text, audio, video, or photographic messages for the client; and personal or sexually suggestive photographs. It also includes information regarding other detained individuals, whether sentenced or unsentenced, that is not related to the professional reasons for the legal visit.
- (3) Information or data stored in electronic devices that is not required for the legal visit may not be revealed to or accessed by the client.
- (4) Electronic devices may only be used for professional purposes related to legal representation. Electronic devices must not be used for non-legal or entertainment purposes, such as playing games, watching movies, listening to music, drafting personal, non-legal correspondence, etc.
- (5) If the legal visitor brings in a power cord, the power cord shall not exceed 6 feet in length.
- (6) Unless specifically authorized in advance, use of electronic devices to make any audio or video recordings or to take any photographs is prohibited.
- (7) All wireless connectivity functions shall be turned off and/or set to "airplane mode" or the equivalent. Access to the internet in any way while on the premises of the institution is prohibited. Connecting any device to any BOP Network, or attempting to do the same, is strictly prohibited.
- (8) At the conclusion of the legal visit, the legal visitor must retrieve any device(s) brought into the visiting room. No device may be left with any detainee or inmate. When exiting the secure confines of the institution, the legal visitor must show any device(s) to BOP staff.
- (9) The privilege of introducing and using electronic devices during legal visits may be revoked for failure to adhere to these conditions or if the Warden otherwise determines that use of the electronic device threatens the security, good order, or discipline of the institution. Violations of these conditions or any other BOP visiting policy may result in termination of or restrictions for legal visits pursuant to 28 C.F.R. § 543.14, including, but not limited to, the loss of the ability to introduce and use electronic

devices during legal visits. Attorneys are responsible for supervising and ensuring their legal staff abide by these rules of conduct and will be accountable for the conduct of their staff, which includes the possibility that their own privileges will be suspended or revoked.

- (10) Attorneys and authorized legal visitors assume the risk and liability of bringing in electronic devices into the institution for legal visits and are responsible for any damage or personal injury which may occur from the use of their devices inside the institution.
- (11) I acknowledge that this privilege may be revoked at any time. I also acknowledge that misconduct, and/or violation of any BOP policies, may result in termination or restrictions for legal visits pursuant to 28 C.F.R. § 543.14.
- (12) I agree to assume the risk and liability of bringing in my laptop and/or external hard drive into MDC Brooklyn, and hold harmless the United States and its employees from any liability for any damage or personal injury which may occur from the use of my laptop and/or external hard drive inside MDC Brooklyn. The release of liability by me to the United States and its employees shall apply to any right of action that might accrue to myself, my heirs, or my personal representatives.
- (13) I understand that MDC Brooklyn's Computer Service Department cannot offer any technical support whatsoever with the electronic devices.
- (14) I understand that I will provide a signed document to the Front Lobby at the MDC Brooklyn in the West or East Lobby on the SAME DAY of the visit.

Should you have any questions or concerns, please contact the Legal Department via email at BRO-LegalVisit-S@bop.gov via phone (718) 840-4248. For weekends or federal holidays, contact the legal department via email.

By signing this form, I agree that this is only good for the day requested of:

_____, _____
 Day/Month Year

Equipment Requested

Time In/Time Out (Staff Use Only)

_____ Laptop	____/____ In Out
_____ Tablet	____/____ In Out
_____ External Memory Device(s)	____/____ In Out
_____ Power Cord	____/____ In Out

 Attorney/Authorized (Print)

 Signature Legal Visitor (Print)

 Bar No. & State



U.S. Department of Justice

Federal Bureau of Prisons

Metropolitan Detention Center

80 29th Street
Brooklyn, New York 11232

BOP: HOW TO VISIT A FEDERAL INMATE

You should be familiar with all visiting rules, regulations, and procedures before your visit.

DRESS CODE

Wear clothing that is appropriate for a large gathering of men, women, and young children. Wearing inappropriate clothing (such as provocative or revealing clothes) may result in your being denied visitation.

The following clothing items are generally not permitted but please consult the visiting policy for the specific facility as to what attire and items are permitted in the visiting room:

- Halter tops, tube tops, crop tops, backless tops;
- See-through garments of any type;
- Swimwear;
- Low-cut blouses or dresses;
- No sleeveless clothing, to include tops, dresses, or blouses;
- No shirts or pants with holes;
- Spandex, Lycra or tight-fitting yoga pants or jeggings;
- Skirts or dresses shorter than three inches above the knee. If the skirt or dress has a slit, the slit must also not go above three inches above the knee;
- Hats, caps, visors, scarves, sunglasses or long hair picks;
 - Headwear worn for religious purposes is authorized if in accordance with Bureau Program Statement 5510.15, and having met screening requirements.
- No outerwear including overcoats, raincoats, parkas, winter coats, or puffy vests
- Military uniform without identification including the khaki, tan, beige, brown, orange or green colored clothing;
- No sweatpants or hooded shirts; and
- No open toe shoes, sandals or wheeled shoes. Visitors' shoes are to be "closed toed" and have, at minimum, a strap around the heel of the foot.

For more information, please visit <https://www.bop.gov/inmates/visiting.jsp>.