

U.S. Department of Justice

Federal Bureau of Prisons

LEGAL GUIDE TO THE FEDERAL DETENTION CENTER HOUSTON, TEXAS



November 2023

I. INTRODUCTION

The Federal Detention Center at Houston, Texas (FDC Houston) is an administrative, multi-level facility in the heart of downtown Houston designed to meet the detention needs of adult male and female offenders appearing before the Federal Court in the Southern District of Texas. FDC Houston fosters the prompt movement of persons to and from the courts, and facilitates contact with court officials, attorneys, and families during periods of detention.

FDC Houston also incarcerates adult male and female offenders who have been sentenced by United States District Courts to serve sentences of a relatively short duration. These sentenced offenders are ordinarily from the south central United States. Offenders with longer terms of incarceration may also serve the latter portion of their sentence at this facility for the purpose of facilitating release to this area. FDC Houston also incarcerates adult male and female holdover status inmates who are awaiting sentencing, designation, or transportation to their designated institution.

The information contained in this Guide is meant to confer general guidance and is not all inclusive. We cannot envision every circumstance that could occur, and therefore, the Guide does not contain the answers to all questions. Furthermore, Bureau policy, from which this Guide derives, is subject to periodic change. Accordingly, readers should consult all applicable policy for any revisions that may have occurred. Please contact the Legal Department or appropriate staff with any questions.

A. Address

Mailing address:

Inmate Mail/Parcels:

INMATE NAME & REGISTER NUMBER

FDC Houston
Federal Detention Center
P.O. Box 526255
Houston, TX 77052

Staff:

STAFF NAME

FDC Houston
Federal Detention Center
P.O. Box 526245
Houston, TX 77052

Physical Address:

1200 Texas Avenue
Houston, TX 77002

B. Telephone Numbers and Email Addresses

Institution:

Main Number: (713) 221-5400

HOU-ExecAssistant-S@bop.gov

Consolidated Legal Center (CLC):

Supervisory Attorney	(713) 229-4104	Fax - (713) 229-4232
CLC Attorney	(713) 229-4186	Fax - (713) 229-4232
CLC Attorney	(713) 229-4187	Fax - (713) 229-4200
Paralegal	(713) 229-4118	Fax - (713) 229-4232

HOU-Attorney-S@bop.gov

C. Bureau of Prisons' and FDC Houston Web Addresses

Federal Bureau of Prisons: <http://www.bop.gov>

This public website provides access to the Inmate Locator, BOP Program Statements, procedures for requesting documents under the Freedom of Information Act, etc.

To use the inmate locator, choose the "Inmates" tab, and enter information in the "Find by Number" (register number) or "Find by Name" (inmate First, Middle, Last).

Office of General Counsel: http://www.bop.gov/news/PDFs/legal_guide.pdf

Legal Resource Guide to the Federal Bureau of Prisons provides in-depth information regarding evaluations of offender mental capacity, sentencing issues, post-conviction issues, medical care, and contact information for all legal offices within the BOP.

FDC Houston: <http://www.bop.gov/locations/institutions/hou/index.jsp>

Provides access to FDC Houston contact information, facility statistics, visitation regulations, etc.

II. PRETRIAL DETENTION

FDC Houston staff appreciate the importance of the institution's pretrial detention mission. Appropriate courtesy and decorum are expected from all staff. In turn, our staff

appreciate the professionalism and courtesy expected from attorneys and other legal assistants.

A. Legal Visiting

1. Visiting Hours

Legal visitation hours are as follows:

Monday through Friday	8:00 a.m. – 8:00 p.m.
Saturday through Sunday	8:00 a.m. – 2:00 p.m.

In order to minimize delays, attorneys should visit during these times. Visiting at other times should only be in emergency situations and must be pre-approved by the Warden on a case-by-case basis. See FDC Houston Institution Supplement 5267.08B, Visiting Regulations, which can be located at https://www.bop.gov/locations/institutions/hou/hou_visit.pdf?v1.0.0

Requests for visitation outside of the designated hours for legal visitation will only be approved in compelling circumstances. Requests for visitation beyond the designated hours should be directed to the Unit Team. To ensure staff coverage for any such visit, any such requests must be made at least forty-eight (48) hours in advance (not including weekends and holidays) whenever possible.

2. Attorney Processing

Processing of legal visitors will begin thirty (30) minutes prior to scheduled visiting hours and will end one hour prior to the end of the visitation period. There are inmate counts at 4:00 p.m. daily, and an additional count at 10:00 a.m. on weekends and federal holidays. Additional unscheduled counts may also occur at any time. **Attorney/visitor processing ceases thirty minutes prior to a count.** Counts take approximately 30 to 40 minutes to clear. During this time, all movement in the institution ceases. Movement of legal visitors resumes upon verbal count confirmation, whereas the movement of social visitors and inmates resumes after written count confirmation. Accordingly, visitors to FDC Houston should take this institution activity into consideration when planning to initiate and conclude visits.

Attorneys seeking a legal visit are responsible for indicating where they are actively licensed and how that fact may be verified. Licensure may be satisfactorily demonstrated through presentation of a current bar card. Attorneys from the Office of the Federal Public Defender may, in lieu of a bar card, present credentials of that office with their picture for entry into the institution. After completing the Notification to Visitor and Visiting Attorney Statement forms,¹ and signing the visitor log book, attorneys will be processed through the metal detector and will have their hands stamped before being allowed entry into the institution. Attorneys and their representatives will generally be processed ahead of social visitors when

¹ The Notification to Visitor form may be accessed at www.bop.gov/policy/forms/BP_A0224.pdf and the Visiting Attorney Statement form may be accessed at www.bop.gov/policy/forms/BP_A0241.pdf.

possible. All legal materials and briefcases will be searched for contraband and processed through the x-ray machine. Portable phones, personal digital assistants, and nonlegal materials, such as newspapers and magazines, gum, candy, highlighters, etc., are not permitted in the Visiting Room. However, attorneys and approved legal assistants are permitted to bring in a laptop computer, tablet, and/or external storage device (thumb drive/flash drive or USB external hard drive). (See Section 7 below). All legal visitors must successfully clear a metal detector prior to entering FDC Houston.

Attorneys are ordinarily **not** permitted to bring material witnesses or a client's family members or friends into the Visiting Room. Prior approval to do so must be received from the Warden. Written requests for such approval should clearly outline the specific circumstances requiring this type of visit. You may submit a written request to HOU-ExecAssistant-S@bop.gov. Visits will not be approved if alternative arrangements are available to defense counsel.

Official 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 appropriate identification. All visitors must sign in and out of the bound ledger. The Warden must permit foreign country consular representatives to visit an inmate from the foreign country on matters of legitimate business. The Consular visitor must provide the Warden an official letter from the Foreign Embassy requesting to visit the inmate and the visit will be supervised by staff. The consulate letter of request should be submitted at least 48 hours 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. All official visitors must successfully clear a metal detector, and their materials must clear an x-ray machine, prior to entering FDC Houston.

3. Visiting Rooms

To ensure a high degree of privacy, attorney-client visits will normally be conducted in one of the five (4) private attorney-client rooms located in the visiting room. Attorney-client rooms are available on a first-come, first-serve basis. If all attorney-client rooms are occupied, and time permits, attorneys have the option of waiting until a room is available, visiting with their client in the open area of the Visiting Room, or returning another time.

4. Dress Code

Visitors are required to dress appropriately. This suggests clothing that is appropriate for a correctional setting or court room. Visitors will not be allowed to wear halter tops, see-through garments of any type, or any other type of clothing which may be deemed provocative or inappropriate for a correctional setting. Additionally, for safety and sanitation reasons, no open-toe shoes or sandals will be permitted. Those wearing questionable clothing will be referred to the Operations Lieutenant, or the Institution Duty Officer in his/her absence. For further

guidance, See FDC Houston Institution Supplement 5267.08a, Visiting Regulations, https://www.bop.gov/locations/institutions/hou/hou_visit.pdf?v1.0.0.

5. **Legal Assistants**

Legal assistants such as law clerks, investigators, interpreters, paralegals, notaries, mitigation specialists, and mental health professionals² must receive prior approval to participate in legal visitation, regardless of whether the legal assistant is accompanied by an attorney. Attorneys wanting a legal assistant's participation in legal visits must submit a completed Application to Enter Institution as a Legal Assistant form. See Attachment E.

Completed applications should be electronically sent to HOU-Attorney-S@bop.gov. To ensure orderly delivery to the intended recipient, hand-delivered applications will not ordinarily be accepted. Review of properly submitted applications will normally be completed within two business days excluding the date of submission.

Approved legal assistants who wish to engage in legal correspondence with an inmate or conduct legal visits with an inmate while not in the presence of a sponsoring attorney, may submit a Request for Expanded Legal Assistant Privileges form (See Attachment G) to the Legal Department as described above. Requests for Expanded Legal Assistant Privileges forms will normally be processed within two business days, excluding the date received.

Attorneys who are not licensed in a state or jurisdiction of the United States may seek access to engage in legal visitation with an inmate by having their respective Consulate Office send documentation verifying the foreign attorney is in good standing to practice in the foreign jurisdiction. Additionally, the foreign attorney should submit a legal assistant application as sponsored by the inmate's current domestic attorney. Both the Consulate documentation and legal assistant application should be emailed to HOU-Attorney-S@bop.gov.

Federal Court Contracted Interpreters: Interpreters who contracted through the Office of the Chief Interpreter in the Southern District of Texas must submit an annual NCIC background check form, which may be accessed at www.bop.gov/policy/forms/BP_A0660.pdf. The completed form should be mailed from the Office of Chief Interpreter to the FDC Houston CLC requesting approval for each contract interpreter. Once approved, these federal contract court interpreters may enter with a court official who possesses court credentials or with any actively licensed attorney.

6. **Court Related Examinations/Depositions/Polygraphs**

Experts: Inmates may not receive medical or mental health care from their own physicians while at FDC Houston. However, experts may evaluate defendants to prepare expert

² Mental Health Professionals may visit as members of the defense team to develop expert testimony but may not provide therapy or treatment to the client during a legal visit. Necessary medical and mental health care is provided by the Bureau of Prisons.

testimony. Any medical examination by a defense expert requires a court order authorizing the examination. Arrangements must be made through the Medical Department after the Legal Department reviews the court order. Psychological and other expert interviews may be conducted once the expert is approved as a legal representative (See Section 5 above).

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 arranged through the Unit Manager after the order is reviewed by the Legal Department and approved in advance by the Warden. The written request should be forwarded to the Legal Department and must include at least the following information:

- (1) Inmate's name and Register Number;
- (2) Case caption, Case No. and nature of matter;
- (3) Requested date and time;
- (4) Expected length;
- (5) Name, title, and organization of each person attending;
- (6) List of all equipment to be used;
- (7) Indicate whether inmate 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.

Depositions: Depositions for inmates in federal civil and criminal cases require a court order. See Fed. R. Civ. P. 30(a)(2). Depositions for state matters, both civil and criminal, require advanced approval from the Warden, and must be arranged through the Legal Department. Written requests for depositions should be forwarded to the Legal Department at HOU-Attorney-S@bop.gov. All deposition requests must be made in writing and include the following information:

- (1) Name and Register Number of the inmate being deposed;
- (2) Name, title, and organization of each person attending;
- (3) Requested date and time for the deposition;
- (4) Expected length of deposition;
- (5) List of all equipment to be used at the deposition;
- (6) Case caption, case number, and reason for taking deposition;
- (7) Attached court order, if applicable.

Video, audio recorders or computers are not allowed inside the institution without the permission of the Warden. Furthermore, all approved equipment is subject to inspection prior to entering the institution. All non-attorney participants must submit and clear NCIC check. Please note, institution staff will not schedule or otherwise coordinate a requested deposition

unless the subject inmate agrees to participate. Likewise, FDC Houston does not compel an inmate's participation in deposition activity.

7. Legal Materials (Including Audio, Video and Electronic Media)

Attorneys and their approved legal assistants may enter the Visiting Room with a laptop computer, tablet, and/or an external memory device (a thumb/flash drive, or a USB external hard drive). The visiting room has stand-alone desktop computers on which legal visitors may access electronic discovery with their client using external memory devices. The electronic equipment provided by FDC Houston is available on a first-come, first-serve basis. The electronic format supported by the BOP provided computers are summarized at www.bop.gov/inmates/custody_and_care/docs/ediscovery-formats.pdf.

If a legal visitor chooses to bring in a device, s/he must comply with the requirements outlined in the attached Notice to Legal Visitors: Rules of Conduct Regarding the Use of Computer Laptops, Tablets and External Memory Devices. Please note, 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 their own privileges will be suspended or revoked.

Legal visitors may provide an inmate with whom they are visiting a limited amount of legal papers at the end of the visit after informing the Visiting Room Officer-in-Charge (OIC) that they intend to do so. Documents to be given to an inmate must be individualized sheets of paper without folders, clips, and any other form of a binding with the exception of staples used to attach a minimal number of pages. Prior to an inmate's return to his/her cell, all papers in an inmate's possession will be inspected to verify that the papers are limited to legal materials and contain no contraband. Any documents that are identified as being non-legal in nature must be sent to the inmate via regular correspondence.

Attorneys may also leave legal documents for an inmate by utilizing the legal mailbox located in the entry area of the institution. This mailbox, which is only for legal mail, is also available for members of the legal community who are not partaking in legal visitation, but who wish to leave legal papers for an inmate. All documents placed in this mailbox must have the inmate's name and register number, and have the following statement on the outside of the envelope, "SPECIAL MAIL - OPEN ONLY IN THE PRESENCE OF THE INMATE." The originating party's name must also be clearly identified on the envelope indicating that they are a licensed attorney or other individual approved for special mail privileges with the intended inmate recipient. Envelopes with insufficient markings will be treated as general correspondence and will be inspected and read. See Section C.1 below for further information.

In most circumstances, attorneys, or their authorized legal assistants, should review legal materials with inmates in the visiting room during established legal visiting hours. For inmates with substantial hard-copy discovery materials, please contact the Legal Department to discuss options for providing these voluminous materials to inmates incrementally, such as switching out the materials at scheduled intervals through the inmate's Unit Team.

For cases involving significant electronic discovery, computers, on which inmates can view and listen to their electronic discovery, have been placed on each housing unit. Attorneys may send electronic discovery material to their client. The attorney must complete and sign the Electronic Discovery Material Authorization Form, which is attached at the end of this legal guide.³ The attorney should carefully review the form for all requirements prior to submission, and then send the electronic discovery (eDiscovery) materials, with the completed Electronic Discovery Authorization Form included. The outside of the package must specifically list its contents. For example: "Contents: Thumb Drive." The mail should be addressed to the attention of the inmate, using legal mail procedures. The Unit Team will open the correspondence in the inmate's presence, consistent with legal mail procedures. The eDiscovery and authorization form will then be forwarded to Computer Services staff for review.

Such devices should only contain discovery. Computer Services staff will scan the eDiscovery device to ensure it does not include any contraband. Examples of contraband in the context of an eDiscovery drive include, but are not limited to:

- Viruses
- Personal communications from friends and family
- Executable programs, i.e., readers and viewers
- Password protection / security suites
- Pornography / nudity

If Computer Services staff discover a problem with the device, the sending attorney will be contacted to resolve the issue, and if necessary, the device will be returned to the attorney for corrective action.

Once the device is cleared by Computer Services, it will be issued to the inmate, at which time the inmate will sign the Inmate Acknowledgment portion of the form, which outlines the inmate's responsibilities with respect to the maintenance and use of the material. A copy of this form will be provided to the inmate. If the inmate refuses to sign the form, the inmate's attorney will be contacted and given the opportunity to advise his/her client. If the inmate continues to refuse to sign the form, the device will be returned to the attorney. In this event, defense counsel will need to either send the inmate hard-copy discovery, review electronic discovery with the client during in-person visits in the visiting room, or a combination thereof.

³ In the case of a pro-se defendant, the prosecuting AUSA may send in eDiscovery using substantially the same procedure. In this case, the AUSA should use the Pro-Se Electronic Discovery Authorization Form.

Please note, FDC Houston does not have a physical law library, and does not generally store eDiscovery for inmates. Instead, each inmate is responsible for maintaining his/her own eDiscovery, just as they are for hard copies of discovery. The eDiscovery is then reviewed by the inmate during available free-time, using a computer that is available in the common area of the housing unit. The electronic formats supported by BOP provided computers for review of eDiscovery are summarized at www.bop.gov/inmates/custody_and_care/docs/ediscovery-formats.pdf. If the eDiscovery is too sensitive to be kept in the inmate's possession, or for the inmate to review in the housing unit, the attorney should maintain custody of the discovery and review it with the inmate during a legal visit.

At the completion of an inmate's criminal case, and no later than his transfer from FDC Houston to his or her designated facility, the inmate must either mail the discovery out at his or her own expense, or otherwise return the discovery to defense counsel. The inmate will not be allowed to take the device to a designated facility.

8. **Separation Assignments**

FDC Houston houses inmates who require separation from each other; these individuals are commonly referred to as "separatees." Since these inmates must be separated from each other at all times, it is not possible for two separatees to be in the Visiting Room together. Visitation for inmates with separation assignments will be processed on a first-come, first-served basis. The remaining visitors will be processed as soon as the Visiting Room Officer notifies the Front Lobby Officer that the inmate and his or her visitors have departed. Absent compelling circumstances, attorneys will be asked to wait or reschedule the visit if their client has a separatee in the Visiting Room when they arrive at FDC Houston.

9. **Co-Defendant Meetings**

Inmates who are charged in the same indictment and who are both housed at FDC Houston may be permitted to have co-defendant meetings with their attorneys in the Visiting Room. Attorneys must provide 24 hours advanced notice of a request for such a meeting. The attorney should scan the request indicating the time, date, names of all participants, and register numbers of the inmates, along with a copy of the PACER docket sheet, to the FDC Houston legal department at HOU-Attorney-S@bop.gov. The requesting attorney will be advised when approval has been granted.

Attorneys wishing to conduct co-defendant meetings must ensure there is not a separation assignment for the co-defendants. FDC Houston will not permit visits between inmates with separation assignments. Questions regarding a separation assignment should be directed to the inmate's Unit Team or Assistant United States Attorney assigned to the case.

10. **Social Visitors**

Pretrial inmates may only place immediate family members on their visiting lists. Immediate family members include mother, father, step-parents, foster parents, brothers, sisters,

spouse, and children. For a pretrial inmate who does not have a legal spouse, but there is an individual with whom the inmate has been cohabiting, and there is evidence the relationship was similar to that of a spousal one, that individual will be approved for visiting. 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, utility bills, etc. The individual is still subject to the normal screening procedures prior to being approved. See Program Statement 7331.04, Pretrial Inmates.

Marriage - The Warden shall approve an inmate's request to marry except where a legal restriction to the marriage exists, or where the proposed marriage presents a threat to the secure and orderly running of the institution. Also, the marriage may not pose a threat to the protection of the public. Marriage requests will be approved provided: (1) the inmate is legally eligible to marry; (2) the inmate is mentally competent; (3) the intended spouse has verified, ordinarily in writing, intention to marry the inmate; and (4) the marriage does not pose a threat to institution security or good order, or to the protection of the public. For pretrial inmates, staff will advise the court, U.S. Attorney's Office, and in the case of an alien, the U.S. Department of Homeland Security, of the marriage request and seek comments prior to making a decision. See Program Statement 5326.04, Marriage of Inmates.

B. Telephone Calls

1. Inmate Telephone System (ITS)

The Bureau of Prisons 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 5264.08, Telephone Regulations for Inmates. Telephone privileges are a supplemental means of maintaining community and family ties that will 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. However, limitations and conditions may be imposed upon an inmate's telephone privileges to ensure that these are consistent with other aspects of the BOP's correctional management responsibilities. Inmates are responsible for submitting 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.

Upon arrival at FDC Houston, 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 an inmate may place a collect call. See 28 C.F.R. § 540.105. As mentioned above, 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. All social calls are limited to 15 minutes in duration. In addition, inmates are limited to 300 minutes per calendar month for monitored phone calls, which is increased to 400

minutes in November and December. Inmates may place attorneys on their approved telephone list. However, the calls are recorded and subject to monitoring. Such calls are not attorney-client privileged calls.

2. **Unmonitored Telephone Calls / Video Legal Visits**

Attorneys should rely on written communication or in-person visitation as the primary forms of confidential communication with their clients. However, in some circumstances, an unmonitored legal telephone call or video conference may be scheduled and facilitated. See 28 C.F.R. §540.103; and Program Statement 5264.08, Telephone Regulations for Inmates. Defense counsel may request a legal call or a video legal visit by submitting an email to HOU-Attorney-S@bop.gov. Once a request is received, legal staff will verify the identity/status of the requestor, who may be required to submit photo ID and a state bar card/number. If in-person visiting is available for the inmate, the attorney should visit during legal visiting hours whenever possible. If, however, an in-person visit will not be adequate, for example where it is not reasonably possible for the attorney to visit with the inmate in-person, the request will be forwarded to the inmate's Unit Team to schedule and facilitate a call⁴ or video legal visit.⁵ Please note, for local attorneys it will usually be faster to visit your client in-person, rather than schedule a legal call, as limited resources do not allow for legal calls to be completed immediately upon request.

Inmates are not permitted to make or participate in three-way or third-party calls, calls that are forwarded to other phone numbers, conference calls, use another inmate's phone access code or phone list, or in any way circumvent or attempt to circumvent telephone procedures. Only the inmate's attorney, or pre-approved members of the defense team (ie, paralegal, translator, etc.) may participate in an unmonitored legal call or video legal visit.

Inmates who wish to speak confidentially with their attorney may use the following:

- A direct line to the local Office of the Federal Public Defender is available in each housing unit, which inmates may use to place calls themselves. To ensure access to this phone line by inmates throughout the unit, each call is ordinarily limited to 15 minutes in length;
- Inmates who have monitored telephone and/or email privileges may utilize these privileges to let their attorney know that they need to speak with them confidentially. The attorney can then visit the client in-person, or may request a legal call or video legal visit as discussed above;
- Inmates may ask the Unit Team for help contacting their attorney. Staff will contact the inmate's attorney and let the attorney know the inmate wishes to speak with him/her confidentially. The attorney may then visit in-person during legal visiting hours or schedule a legal call.

⁴ Calls placed by FDC Houston staff using FDC Houston phones will normally be at the expense of the inmate requesting the legal phone call.

⁵ Video legal visits are facilitated via WebEx by a member of the inmate's Unit Team.

C. Written Communication

1. 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 5265.11, 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. For example, following their name, attorneys should put the words “Attorney” or “Assistant Federal Public Defender” or similar language to identify themselves as an attorney in the return address section. The use of “Esquire” does not sufficiently identify the sender as an attorney. An approved legal assistant must place the name of the attorney in the return address in order to qualify the materials for special mail privileges. Id.

Incoming special mail is opened in the presence of the inmate and visually inspected for both contraband and qualification as “legal” mail. Staff do not read the content of “legal” mail. Inmates may seal outgoing special mail, but a BOP staff member must verify that the inmate has properly identified himself in the return address before the mail is sent out of the institution. Even though staff must verify the identity of the inmate, staff will at no time read the contents of an inmate’s outgoing “special” or “legal” mail.

Attorneys may utilize the front lobby drop box for legal mail. Items placed in this depository must display the special mail markings specified above, in order for the item to receive special mail handling.

Stamps: Inmates may purchase stamps from the FDC Houston commissary, or if indigent, may be issued stamps by FDC Houston staff; inmates may not receive stamps from any other individual. See 28 C.F.R. § 540.21(j). Therefore, attorneys may not send stamps or pre-stamped envelopes to inmates. Attorneys are permitted, however, to send self-addressed envelopes without affixed postage.

Facsimiles: Inmates may not receive facsimile transmissions at FDC Houston.

Express Mail: Inmates are not permitted the use of express mail services or hand-delivery service.

2. Electronic Correspondence

At FDC Houston, inmates are provided the opportunity to send and receive electronic

messages using computers dedicated and outfitted for this limited purpose through a system called TRULINCS. Inmates have no access to the Internet and no files can be attached to these electronic messages. As with traditional mail communication, all email messages are subject to staff monitoring. While the inmate and his/her community contacts benefit from this expanded method of communication, the major benefit of the program is increased institution security and public safety given the ease of monitoring, tracking and reviewing this electronic correspondence. Electronic message content is subject to the same restrictions as regular mail and any attorney communication through this method is subject to monitoring.

D. 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, a BOP directory of facilities, regional and central offices, statistics, employment information, acquisition information, Freedom of Information Act information, search capability, inmate locator, 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 federal regulations. Attorneys are considered third parties for the purpose of the above-mentioned statutes and regulations. Information may be obtained through the inmate directly, or through a properly submitted FOIA/PA request. FOIA requests should be directed to: FOI/PA Section, Federal Bureau of Prisons, HOLC Building - Room 738, 320 First Street, N.W., Washington, D. C. 20534, or via email by visiting <http://www.bop.gov/foia/submit.jsp>. Attorneys should not seek non-public information directly from FDC Houston staff.

1. Presentence Investigation Reports

Program Statement 1351.05, Release of Information, states the following with respect to Presentence Reports:

Federal Presentence Reports (PSR) and Statements of Reasons (SOR) from Judgments in Criminal Cases. 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 applies only to the SOR portion of an inmate's Judgment in a Criminal Case. The rest of the Judgment document remains releasable unless circumstances or policy dictate otherwise. PSRs and SORs received by mail will be treated as contraband, and handled according to the Mail Management Manual.

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.

2. Medical Records

BOP staff are not authorized to release information about inmates without the express written consent of the subject inmate, or unless provisions of the Privacy Act permit. Attorneys should not submit requests for medical records or request updates regarding medical care to the medical department at FDC Houston.

Inmates may request medical records to provide to their attorney by submitting an Inmate Request to Staff form to the Health Services Department. The inmate may then provide a copy to his/her attorney either during a visit or via the mail. If the inmate is unwilling or unable to request his/her medical record, or is no longer in BOP custody, the requesting attorney must file a Freedom of Information Act (FOIA) request at the above FOIA request address or through the Internet at <http://www.bop.gov/foia/submit.jsp>.

Attorneys may request medical records 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 signed consent form from their client along with a request for their client's medical record to this email address, the request will ordinarily be processed within 24 hours 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 https://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 for a current inmate by including the following information about the inmate in an email to bop-ogc-efoia-s@bop.gov:

Full name;
Current address;
Date of birth; and,
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 two years of medical records and process the remaining portions of the request under FOIA. This information is also summarized at www.bop.gov/foia/#tabs-0. Attorneys may contact the Legal Department for further guidance.

3. Subpoenas

The United States Department of Justice has promulgated regulations governing the procedure whenever a demand is made to employees to produce information obtained through their employment with the Department of Justice. These regulations, found at 28 C.F.R. §§ 16.21-16.29, require 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). 28 C.F.R. § 16.22 sets forth the requirements in cases in which the United States is not a party. 28 C.F.R. § 16.23 sets forth the requirements in cases in which the United States is a party. 28 C.F.R. § 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 FDC Houston staff.

Any questions regarding the release of information or access to BOP records should be directed to the Legal Department.

E. Medical Services

On-site emergency medical care is available 16 hours a day at FDC Houston. Staff provide pretrial inmates with the same level of basic medical, dental, pharmaceutical, psychiatric, and psychological care provided to convicted inmates. See 28 C.F.R. § 551.114. Inmates seeking medical examination or treatment can place their name on the sick call sign-up sheet and they will be scheduled for an appointment. Inmates may also submit a written request directly to Health Services staff if they have any concerns regarding their medical condition. **Health Services staff are not at liberty to discuss information with an inmate's attorney related to that inmate's medical condition.** Attorneys are encouraged to seek such information directly from their clients. See Release of Information section above for further information.

Special Medical Concerns: There are virtually no medical problems that the BOP's health care delivery system cannot respond to adequately, either within its institutions or by contracting with physicians and hospitals in the community. See Program Statement 6010.02, Health Services Administration. **Accordingly, attorneys should refrain from seeking court**

orders compelling the BOP to treat its inmates in a specific manner, including via a specific physician or by the prescription of specific medications. Aside from infringing on the Bureau's expertise in managing its institutions, such orders may conflict with expressed Bureau policy. The BOP recognizes that its duty to provide care to all inmates committed to federal custody requires that conditions which cannot be evaluated and treated at the facility must be referred to outside resources which are equipped to provide suitable care.

Transgender Inmates: The BOP provides multidisciplinary care to transgender inmates. Program Statement 5200.08, Transgender Offender Manual, ensures that staff are meeting the needs and care of transgender inmates. The Psychology Department conducts assessments and the Health Services Department can issue medication and treatment. The institution will provide accommodations to include access to commissary for their gender, clothing and other amenities. Housing assignments will be reviewed carefully and determined by the appropriate officials.

F. Mental Illness

FDC Houston provides mental health care to the inmate population. See Program Statements 6010.02, Health Services Administration; 5310.12, Psychology Services Manual, Chapter 9; and 5310.13, Institution Management of Mental Ill Inmates. Additionally, 18 U.S.C. §§ 4241-4248 sets the judicial procedures which must take place in a criminal case when a defendant appears to be or is suffering from a mental disease or defect. If an evaluation pursuant to one of these sections is ordered, the BOP will designate the defendant to a BOP facility which has the capability to conduct such examinations. Questions or concerns with regard to this process should be directed to the Legal Department.

G. Inmate Discipline Process

Pursuant to 18 U.S.C. § 4042(3), the BOP has created a disciplinary process to ensure that inmates live in a safe and orderly environment. 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. See 28 C.F.R. § 541.10; and Program Statement 5270.09, Inmate Discipline and Special Housing Units.

Pretrial inmates are also required to abide by BOP rules on inmate discipline, subject to the limitations of 28 C.F.R. § 551.116. See also Program Statement 7331.04, Pretrial Inmates. Pursuant to this policy, FDC Houston staff will advise the court of disruptive behavior by pretrial inmates. Staff will also advise the relevant Assistant United States Attorney and the United States Probation Office assigned to prepare the Presentence Report when a pretrial inmate violates BOP rules.

In Wolff v. McDonnell, 418 U.S. 539 (1974), the Supreme Court held that disciplinary proceedings must contain certain due-process protections if the proceeding could result in the prisoner losing good time credits. Accordingly, the BOP has fashioned its disciplinary process

to incorporate the protections required by Wolff. See Program Statement 5270.09, Inmate Discipline and Special Housing Units and 28 C.F.R. § 541.10, et seq.

Prohibited acts are divided into categories based upon severity and apply uniformly in all BOP institutions. Immediately after arriving at a BOP facility, all inmates are advised, in writing, of their rights and responsibilities, the list of prohibited acts, and the disciplinary process. Violations of prohibited acts have sanctions corresponding to their seriousness including: disciplinary segregation, disallowance of good time credits, loss of privileges, and verbal warning. See 28 C.F.R. § 541.13.

Each institution must follow the disciplinary process set forth in 28 C.F.R. § 541, beginning with the incident report and notice to the inmate, and continuing through appeal of the decision of the Unit Discipline Committee (UDC) or the Discipline Hearing Officer (DHO). 28 C.F.R. §§ 541.14-541.19. Inmates may appeal a decision by the UDC or the DHO through the Administrative Remedy Process. See 28 C.F.R. § 541.19.

H. Personal Property

BOP policy on inmate retention of personal property is found in Program Statement 5580.08, Inmate Personal Property. See also 28 C.F.R. Part 553. Inmates may possess only that property which by policy is authorized. See 28 C.F.R. § 553.10. These 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.

Court Returns: Inmates going out to court may bring legal material relevant to their current court proceedings. Inmates are not allowed to return from court with additional legal material. Attorneys wishing to provide inmates with additional legal material must either send such material in the mail or place it in the legal drop box located in the Front Lobby of FDC Houston. Attorney may also provide an inmate with whom they are visiting in the Visiting Room with a limited amount of legal papers as described in Section A.7 above.

I. Law Library

In order to facilitate inmates' access to courts, the BOP provides inmates with electronic law libraries, which are located on each housing unit. There is also an electronic law library in the Special Housing Unit (SHU). These libraries are maintained by the Education Department staff in accordance with Program Statement 1315.07, Inmate Legal Activities. The legal materials which are provided to the inmates are determined by the Central Office of the BOP and are listed in Program Statement 1315.07, Inmate Legal Activities. The computer terminals are generally available from 8:00 a.m. until 10:00 p.m. for inmate use.

During modified operations, the computer terminals are available during any time that the inmate is out of his/her cell. If additional time is needed, the inmate should submit a copout to the Unit Team requesting an accommodation. The inmate must provide evidence of the need for additional time, and documentation of an imminent court deadline. If the inmate provides such documentation, additional time to use the electronic law library and/or electronic discovery computer may be granted.

J. Administrative Remedy Program

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 - Administrative Remedy; and Program Statement 1330.16, Administrative Remedy Program. This program applies to all inmates confined in institutions operated by the BOP, inmates designated to Residential Reentry Centers (RRCs) under BOP responsibility, and former inmates for issues that arose during their confinement. See C.F.R. § 542.10.

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.⁶ See 28 C.F.R. § 542.14. Once an inmate has filed a formal grievance at the institution level (a "BP-9"), the Warden of that facility normally has 20 calendar days to investigate and provide the inmate a written response. See 28 C.F.R. § 542.18. The inmate may then appeal 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. The inmate may then appeal 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. § 542.15. Once received in the Central Office, the Administrator, National Inmate Appeals, has 40 days to investigate and provide the inmate a written response.⁷ 28 C.F.R. § 542.18. After receiving the Administrator's response, the inmate has exhausted the BOP'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 1330.16, Administrative Remedy Program.

⁶ In limited circumstances, an inmate may be granted an extension on the filing time allowed if he can demonstrate a valid reason for his delay in filing. See 28 C.F.R. § 542.14(b).

⁷ If the time period for response to Administrative Remedy Requests or Appeals is insufficient to make an appropriate decision, the time for response may be extended once by 20 days at the institution level, 30 days at the regional level, or 20 days at the Central Office level. Staff will inform the inmate of this extension in writing. See 28 C.F.R. § 542.18.

If 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/her 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 1330.16, 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 a response provided to the inmate. Otherwise, the request will be rejected, 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 DHO actions shall be submitted initially to the Regional Director for the region where the inmate is currently located.

K. Administrative Tort and Property Claims

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 BOP. 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 that result in injury or death.

Detention of property claims, however, are processed under the statutory provision 31 U.S.C. § 3723. In accordance with Ali v. Fed. Bureau of Prisons, 128 S.Ct. 831 (2008), if an inmate's property is lost or damaged by staff, he or she must utilize a "3723" claim to seek compensation from the government. Claims under this section are limited to \$1,000.00 in compensation; must be filed within one year of the date of the incident; and the BOP's decision whether or not to grant the claim is not appealable to the courts.

L. Service of Process

1. Service of Inmates

Personal service of inmates will ordinarily be coordinated through the inmate's Unit Team. Only law enforcement personnel are permitted to serve process on inmates. Normally, the personal service of inmates will occur within an area designated by FDC Houston staff. When contacted by

law enforcement personnel, FDC Houston staff will coordinate the appropriate time and place for service to occur. Harris County Constable Precinct 1 has a civil process unit that regularly provides this service. You may find additional information at <https://pct1constable.net/divisions/civil-process/>.

2. **Service of Staff**

The personal service of staff members on institution property will ordinarily be limited to the service of legal documents which are related to the staff member's employment with the BOP. Certified mail may be sent to staff by utilizing the following address:

[Staff Member's Name and Title (if known)]
Federal Detention Center
P.O. Box 526245
Houston, TX 77052-6245

FDC Houston staff will not accept service on behalf of inmates or another staff member. Service by facsimile is not authorized. For additional information, please contact the Legal Department.

M. Additional Information

For additional information regarding inmate visitation at FDC Houston, please review FDC Houston Institution Supplement 5267.08a, Visiting Regulations, which can be located at http://www.bop.gov/locations/institutions/hou/HOU_visit_hours.pdf. For additional information regarding BOP legal matters, such as sentencing issues, designation determinations, mental health evaluations, and medical issues, please refer to the Legal Resource Guide to the Federal Bureau of Prisons on the internet at http://www.bop.gov/news/PDFs/legal_guide.pdf

N. Attachments

1. Attachment E—Application to Enter FDC Houston as a Legal Assistant
2. Attachment G—Request for Expanded Legal Privileges
3. Notice to Legal Visitors re Use of Laptops and Related Devices
4. Electronic Discovery Material Authorization Form (defense counsel)
5. Electronic Discovery Material Authorization Form (pro-se defendant)

Attachment E, Page 1**APPLICATION TO ENTER INSTITUTION AS A LEGAL ASSISTANT
FEDERAL DETENTION CENTER (FDC), HOUSTON, TEXAS****GENERAL**

This information is provided pursuant to 5 U.S.C. 552a, the Privacy Act of December 31, 1974.

PURPOSE AND USES

The information you supply may be used as a basis for an investigation regarding your ability, as a non-attorney, to participate in legal visitation at FDC Houston with your sponsoring attorney. The supplied information may also be used in considering requests made by your sponsoring attorney for you to partake in unaccompanied legal visits or legal correspondence with one or more specified FDC Houston inmates. By signing below, you authorize a representative of the Federal Bureau of Prisons to obtain any information on your criminal background history. 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 NON-DISCLOSURE

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.

SUBMISSION OF APPLICATIONS

Completed applications should ordinarily be scanned and emailed to the FDC Houston legal mailbox at **HOU-Attorney@bop.gov** or faxed to the FDC Houston attorney at (713) 229-4200. Applications may also be mailed to Consolidated Legal Center, FDC Houston, P.O. Box 526245, Houston, TX 77002-6245. In most cases the processing of properly submitted requests will be completed within two business days, excluding the day of receipt.

Attachment E, Page 2**APPLICATION TO ENTER INSTITUTION AS THE
LEGAL ASSISTANT OF A LICENSED ATTORNEY**

This form has four parts, all of which must be completed for each sponsoring attorney the legal assistant seeks to accompany:

1. GENERAL

2. QUESTIONNAIRE: The questionnaire is to be completed by each paralegal, law clerk, investigator, interpreter, notary, mental health professional, court reporter, or other legal assistant who seeks to participate in legal visitation as the legal assistant of a licensed attorney.

3. CERTIFICATION: The legal assistant seeking to partake in legal visitation at FDC Houston must sign the certification which follows the questionnaire.

4. ATTORNEY'S STATEMENT: The licensed attorney must sign this statement.

2. QUESTIONNAIRE

NOTE: Answer all questions, if a question does not apply to you, write "Not Applicable" in the space provided for the answer. Attach additional pages as necessary.

1. Name (Last, First, Middle): _____

Any alias or other name ever used:

Name: _____ When used: _____

Name: _____ When used: _____

2. a. Date of Birth: _____ b. Place of birth: _____

3. Social Security Number: _____

4. a. Sex: _____ b. Race: _____

c. Height: _____ d. Weight: _____

e. Color of Eyes: _____ f. Color of Hair: _____

5. a. Present address: _____

City State County Zip
Code

b. How long at this address? _____

c. If less than 3 years, prior address: _____

6. a. Present place of employment: _____

b. What is your job title: _____

c. Name of immediate supervisor: _____

d. Employer's business address: _____

e. Employer's business phone: _____

f. How long have you worked for this employer? _____

Attachment E, Page 4

7. List all schools, universities, or other educational institutions attended since high school. This should include any and all legal training that you have received.

<u>SCHOOL</u>	<u>ADDRESS</u>	<u>DEGREE/DATE RECEIVED</u>
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8. 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>
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9. Have you ever been confined in any jail, prison or penal institution? If so, complete the following:

<u>TYPE OF INSTITUTION</u>	<u>LOCATION</u>	<u>DATES OF CONFINEMENT</u>
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10. Are you currently under any form of supervision? If yes, please provide details.

11. 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?

12. Are you a citizen of the United States? _____

If not, give the name of the country of which you are a citizen? _____

3. CERTIFICATION

**STATEMENT OF APPLICANT SEEKING TO ENTER AN INSTITUTION TO VISIT
FEDERAL PRISONERS AS THE LEGAL ASSISTANT OF A LICENSED ATTORNEY**

I certify that I am authorized to act as a legal assistant of _____
_____, a licensed member of the bar of the State of _____,
and with whom I request that I be allowed to accompany for the purpose
of conducting legal visitation at FDC Houston. 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 FDC
Houston's policies concerning legal visitation and certify that I am able to and will adhere to the
requirements of these policies. I pledge to abide by Bureau of Prisons regulations and institution
guidelines with regard to all privileges extended to me by FDC Houston, both now and in the future.

I hereby certify that all of the information contained in this questionnaire is true and correct to the best
of my knowledge. I understand that all information contained in this questionnaire may be investigated
and verified through the use of federal, state, and local authorities. Furthermore, I hereby authorize a
representative of the Federal Bureau of Prisons to obtain information on my criminal history
background.

Applicant's Printed Name: _____

Applicant's Signature: _____

Date Completed: _____

Attachment E, Page 6**4. STATEMENT OF SPONSORING ATTORNEY**

My signature below certifies that I am a licensed member of the bar of the State of _____ and that I am utilizing the services of _____, a legal assistant I desire to be able to accompany me when I partake in legal visitation at FDC Houston. I further certify that the above-named legal assistant is aware of the responsibility of his/her role as my legal assistant and is able to meet this responsibility. I pledge that I will supervise my legal assistant's activities with regard to any privileges extended to him/her by FDC Houston and I accept personal and professional responsibility for all acts of my legal assistant which affect the institution, its inmates, or staff.

Sponsoring Attorney:

Printed Name: _____

Business Address _____

Telephone Number _____

Sponsoring Attorney's Signature: _____

Date Completed: _____

Attachment G**REQUEST FOR EXPANDED LEGAL ASSISTANT PRIVILEGES**

I am a licensed member of the bar of the State of _____ and I am utilizing the services of _____, a legal assistant who completed an Application to Enter Institution as a Legal Assistant in order to be able to accompany me while I partake in legal visitation at FDC Houston. Through my signature below, I request that the above-named legal assistant additionally be allowed special correspondence and unaccompanied legal visitation privileges with _____, who is confined at FDC Houston and has been assigned Register Number _____ - _____.

Through my signature below, I once again certify that the above-named legal assistant 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 legal assistant's activities with regard to any privileges extended to him/her by FDC Houston and I accept personal and professional responsibility for all acts of my legal assistant which affect the institution, its inmates, or staff.

Sponsoring Attorney's Printed Name: _____

Business Address: _____

Telephone Number: _____

Sponsoring Attorney's Signature: _____

Date Completed: _____

Important Submission Note: If within the past year the sponsoring attorney has previously submitted all four questionnaire/certification pages of the Application to Enter Institution as a Legal Assistant for the named legal assistant, this one-page document may be emailed to the FDC Houston legal mailbox at HOU-Attorney@bop.gov or faxed to the FDC Houston attorney at (713) 229-4200. Please allow two business days for processing.



U.S. Department of Justice

Federal Bureau of Prisons

NOTICE TO LEGAL VISITORS: RULES OF CONDUCT REGARDING THE USE OF COMPUTER LAPTOPS, TABLETS AND EXTERNAL MEMORY DEVICES

Attorneys and other authorized legal visitors are permitted to bring a laptop computer, tablet, and/or an external memory device (hereinafter "electronic device") when conducting a legal visit. The following conditions apply to the use of such devices:

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 is prohibited.
8. At the conclusion of the legal visit, the legal visitor must retrieve all equipment brought into the visiting room.
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 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.

Printed Name

Signature

Date

Electronic Discovery Authorization Form

Inmate Reg. No.:	Inmate Name (last, first):	Federal Criminal Case No. and Judicial District:
Description and number of USB flash drives/hard drives, etc:		Trial Date:
Requesting Attorney's Name and State Bar No.:	Business Address:	Phone No. and Fax No.

Attorney Certification of Electronic Discovery Material:

I, _____, hereby certify that all items contained in this package consist solely of my client's electronic discovery material and that I have advised my client that he/she may not copy or send these materials to third parties. I further understand that, should staff elect, the contents may be scanned to ensure it contains only legal material and no contraband. I understand this inspection may occur outside the presence of my client. I understand that any unauthorized material contained in this package will result in the entire package being returned undelivered. All items have been clearly marked with my client's name and federal register number, and are numbered (e.g., 1 of 10, 2 of 10, etc.). I understand that these materials will be destroyed upon my client's departure from FDC Houston, unless he/she makes other suitable arrangements for their return. I certify that all information contained in this document is true and correct to the best of my knowledge and belief.

Attorney's Name and Signature

Date

Inmate Acknowledgment of Receipt of Property:

The attorney listed above has produced the above-described electronic discovery materials for your review, which the attorney has certified are pertinent to your federal criminal case. By signing this authorization, you agree that you are personally and solely responsible for the material and will secure this property in your locker in accordance with BOP and FDC Houston personal property guidelines. You further acknowledge that the electronic discovery device is subject to inspection. You will be permitted to review this material on the discovery computer located on your housing unit. You are not permitted to print, copy or send these materials to anyone. You must make arrangements for the return of this material at the conclusion of your case, or it will be destroyed when you leave FDC Houston. You understand the electronic discovery materials may contain sensitive information that may affect your security and privacy or the orderly running of the institution. Accordingly, you should not permit other inmates to view or have access to this material. Any action you take with regard to the misuse of the electronic discovery may subject you to discipline in accordance with the BOP Inmate Discipline Program. Any questions about the materials should be directed to your attorney.

Inmate Signature and Reg. No.

Date

Pro-Se Electronic Discovery Authorization Form

Inmate Reg. No.:	Inmate Name (last, first):	Federal Criminal Case No. and Judicial District:
Description and number of discs/USB flash drives, etc:		Trial Date:
AUSA's Name and State Bar No.:	Business Address:	Phone No. and Fax No.

AUSA Certification of Electronic Discovery Material:

I, _____, hereby certify that all items contained in this package consist solely of the defendant's electronic discovery material. I further understand that, should staff elect, the contents may be scanned to ensure it contains only legal material and no contraband. I understand this inspection may occur outside the presence of the defendant. I understand that any unauthorized material contained in this package will result in the entire package being returned undelivered. All items have been clearly marked with the defendant's name and federal register number, and are numbered (e.g., 1 of 10, 2 of 10, etc.). I understand that these materials will be destroyed upon the defendant's departure from FDC Houston, unless he/she makes other suitable arrangements for their return to me or to another attorney's office. I certify that all information contained in this document is true and correct to the best of my knowledge and belief.

AUSA's Name and Signature

Date

Inmate Acknowledgment of Receipt of Property:

The Assistant United States Attorney (AUSA) listed above has produced the above-described electronic discovery materials for your review, which the AUSA has certified are pertinent to your federal criminal case. By signing this authorization, you agree that you are personally and solely responsible for the material and will secure this property in your locker in accordance with BOP and FDC Houston personal property guidelines. You further acknowledge that the electronic discovery device is subject to inspection. You will be permitted to review this material on the discovery computer located on your housing unit. You are not permitted to print, copy or send these materials to anyone. You must make arrangements for the return of this material at the conclusion of your case, either to the AUSA or to another attorney of your choice, or it will be destroyed when you leave FDC Houston. You understand the electronic discovery materials may contain sensitive information that may affect your security and privacy or the orderly running of the institution. Accordingly, you should not permit other inmates to view or have access to this material. Any action you take with regard to the misuse of the electronic discovery may subject you to discipline in accordance with the BOP Inmate Discipline Program.

Inmate Signature and Reg. No.

Date