

**U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS**



**ATTORNEY GUIDE TO THE
FEDERAL DETENTION CENTER
MIAMI, FLORIDA
DECEMBER 2023**

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Introduction

The Federal Detention Center in Miami, Florida (FDC Miami) is an administrative institution operated by the Federal Bureau of Prisons (BOP), an agency of the United States Department of Justice. As an administrative institution, FDC Miami houses male and female pretrial inmates of varying security levels, involved in federal court proceedings in the Southern District of Florida. The facility also houses small cadres of male and female inmates who have been designated to serve their sentences at FDC Miami, as well as male and female inmates who have been sentenced and are awaiting transfer to their designated institution. At present, FDC Miami houses a daily population of approximately 1,000 inmates but this number fluctuates.

FDC Miami is 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. This guide contains information on issues, policies, and procedures unique to FDC Miami. The information contained herein is meant to be a general guide and is not exhaustive. We cannot envision every circumstance that may occur, and thus the guide does not contain the answers to all questions.

Contact Information

Physical Location:

FDC Miami
33 NE 4th Street
Miami, Florida 33132

Phone: (305) 577-0010

Email *To: MIM-ExecAssistant-S@bop.gov¹

*To: MIM-LegalLiaison-S@bop.gov²

Inmate Mail/Parcels:

Inmate Name & Register Number
FDC Miami
Federal Detention Center
P.O. Box 019120
Miami, FL 33101

Staff Mail:

Staff Name
FDC Miami
Federal Detention Center
P.O. Box 019118
Miami, FL 33101

Websites:

FDC Miami - www.bop.gov/locations/institutions/mim

BOP – www.bop.gov

Inmate Locator:

www.bop.gov/inmateloc

*** Always include the inmate's name, register number, and nature of the request in the email subject line to facilitate processing and tracking.**

¹ For inquiries regarding conditions of confinement and medical care.

² For inquiries regarding legal activities, legal visiting, and legal telephone calls.

Additional Resources

Admissions and Orientation Manual

Inmates receive an Admissions and Orientation (A&O) Manual upon arrival at FDC Miami. FDC Miami's A&O Manual is available at www.bop.gov/locations/institutions/mim.

BOP Policy and Forms

Policies and forms are available at: www.bop.gov/resources/policy_and_forms.jsp.

The following are some policies that may be of particular interest to the legal community:

- [Program Statement 1315.07, Legal Activities, Inmate \(8/1/2023\)](#)
- [Program Statement 1330.18, Administrative Remedy Program \(1/6/2014\)](#)
- [Program Statement 1351.05, Release of Information \(3/9/2016\)](#)
- [Program Statement 5100.08, CN-1, Inmate Security Designation and Custody Classification](#)
- [Program Statement 5264.08, Inmate Telephone Regulations \(1/24/20008\)](#)
- [Program Statement 5265.14, Correspondence \(4/5/2011\)](#)
- [Program Statement 5267.09, Visiting Regulations \(8/1/2023\)](#)
- [Program Statement 5290.15, Intake Screening \(3/30/2009\)](#)
- [Program Statement 5330.11, Psychology Services \(5/26/2016\)](#)
- [Program Statement 5511.07, Request to Staff, Inmate \(8/14/1998\)](#)
- [Program Statement 5800.16, Mail Management Manual \(4/5/2011\)](#)
- [Program Statement 6010.05, Health Services Administration \(6/26/2014\)](#)
- [Program Statement 6031.04, Patient Care \(6/3/2014\)](#)
- [Program Statement 6340.04, Psychiatric Services \(1/15/2005\)](#)
- [Program Statement 6400.03, Dental Services \(6/10/2016\)](#)
- [Program Statement 7331.05, Pretrial Inmates \(8/1/2023\)](#)

The following are frequently used forms and attached in the Appendix:

- [Notification to Visitor - BP-A0224 \(June 10\)](#) (Att. A)
- [Application to Enter Institution as Representative - BP-A0243 \(Sept 10\)](#) (Att. B)
- [Criminal History Check - BP-A0660 \(May 18\)](#) (Att. C)
- *Notice to Legal Visitors: Rules of Conduct Regarding the Use of Computer Laptops, Tablets and External Memory Devices* (Oct 23) (Att. D)
- *Acknowledgment Concerning the Use of Laptops, Tablets and External Memory Devices during a Legal Visit – MIM 1315.07-F2* (Oct 23) (Att. E)
- *Electronic Discovery ("ESI") Media and/or Device(s) Authorization Form - MIM1315.07-F1* (Oct 23) (Att. F)
- *Recording Device Authorization Request – MIM1315.07-F3* (Oct 23)(Att. G.)
- [Certification of Identity - DOJ Form 361](#) (Att. H)

Legal Resource Guide to the Federal Bureau of Prisons

A national BOP legal resource guide is available at: www.bop.gov/resources/publications.jsp.

Legal Visiting

Attorneys and their approved representatives may visit inmates in matters relating to an inmate's legal affairs. Advance scheduling is not ordinarily required unless the legal visit involves a special request (e.g., joint co-defendant meeting, requests to bring in recording devices, requests to visit an inmate at the hospital, requests to bring in a special legal visitor). Attorneys must submit special requests to the Legal Liaison at MIM-LegalLiaison-S@bop.gov for approval prior to the legal visit.

All questions concerning approval for legal visitors should be sent to the Legal Liaison. The Legal Liaison will ordinarily respond to routine requests within three business days. Emails regarding urgent matters related to an individual's initial appearance that include "urgent" in the subject line will be prioritized for expedited response. **Always include the inmate's name, register number, and nature of the request in the email subject line to facilitate processing and tracking.**

Upon arrival for a visit at FDC Miami, all visitors must fill out a [Notification to Visitor - BP-A0224 \(June 10\)](#) (Att. A). Front Lobby staff do not update the list of approved legal visitors.

All visitors are expected to 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:

- revealing shorts
- halter tops
- bathing suits
- see-through garments of any type
- crop tops
- low-cut blouses or dresses
- leotards
- spandex
- miniskirts
- backless tops
- hats or caps
- sleeveless garments
- skirts two inches or more above the knee
- dresses or skirts with a high-cut split in the back, front, or side
- clothing that looks like inmate clothing (khaki or green military-type clothing)

Please see the "Visiting Information" section of the FDC's website at www.bop.gov/locations/institutions/mim for additional information as to what attire and items are permitted in the visiting room. If a visitor has clothing that is questionable, the front lobby staff will notify either the Operations Lieutenant or Duty Officer to determine if the visitor can be admitted.

The national visiting regulations, along with local procedures specific to FDC Miami, are available on the institution's webpage in the "Visiting Information" section at www.bop.gov/locations/institutions/mim. Additional information is also contained in [PS 5267.09, *Visiting Regulations CN-1*](#); and [PS 1315.07, *Legal Activities, Inmate*](#).

Legal Visiting Hours

Legal visiting hours are from 7:00 AM to 9:00 PM daily. The BOP conducts a nationwide inmate count at 4:00 PM daily. All FDC visitor entry and egress will cease at 3:30 PM. Legal visitors have the option to remain in the visiting room during the count; however, visitor movement will not resume until after the count clears. Counts are unpredictable and therefore, we cannot specify how long each count will take.

In the event legal visiting hours are modified or canceled, FDC Miami will notify the Federal Public Defender's Office, the CJA representative, the U.S. Attorney's Office, and the U.S. Federal District Court as soon as practicable.

Legal visitors experiencing issues entering FDC Miami on weekdays after 2:00 PM, on weekends, or on federal holidays should request to speak with the Duty Officer.

Attorney Visitors

Attorneys who present a valid state bar card and photo identification will be permitted to visit. Attorneys whose state does not issue a bar card, must indicate where they are licensed to practice law and how that fact may be verified.

Non-Attorney Visitors

Attorney assistants (e.g., paralegals, interpreters, notaries, clerks, investigators, psychologists, etc.) may conduct a legal visit with prior authorization from the Legal Liaison.

Prior to the visit, non-attorney visitors must submit the following forms completed in their entirety to the Legal Liaison via email:

- [Application to Enter Institution as Representative - BP-A0243 \(Sept 10\)](#) (Att. B)
- [Criminal History Check - BP-A0660 \(May 18\)](#) (Att. C)

FDC Miami staff will conduct a NCIC background check and upon completion, the Legal Liaison will notify the sponsoring attorney whether the non-attorney visitor is approved. The NCIC clearance will be valid up to 1 year.

Computer Use During Legal Visits

Attorneys and other authorized legal visitors are permitted to bring a laptop computer, tablet, and/or an external memory device such as an external hard drive, solid-state drive, CDs, or DVDs. For security reasons, FDC Miami does not allow thumb drives, flash

cards, or memory cards. Electronic and external memory devices authorized for use during a legal visit are outlined in the *Notice to Legal Visitors: Rules of Conduct Regarding the Use of Computer Laptops, Tablets and External Memory Devices* (Oct 23). (Att. D). On the day of the visit, the authorized legal visitor must complete the *Acknowledgment Concerning the Use of Laptops, Tablets and External Memory Devices during a Legal Visit – MIM 1315.07-F2* (Oct 23) (Att. E).

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 Legal Liaison. 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 provide the Warden an official letter from the foreign embassy requesting to visit the inmate and the visit will be supervised by staff. 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.

Legal Calls

Upon admission, FDC Miami provides pretrial inmates with guidelines governing telephone calls, including procedures for making unmonitored calls to attorneys. FDC Miami allows pretrial inmates to call their attorneys, upon the inmate's request, as often as institution resources allow.

Attorneys seeking a legal call may email a request to the Legal Liaison.

FDC Miami is in the process of installing direct, unmonitored telephone lines to the Federal Public Defender's Office in each housing unit.

Inmates are permitted to call attorneys on the Inmate Telephone System (ITS); however, ITS calls are monitored and/or recorded.

Third-party or three-way calls are not authorized.

An inmate will not be afforded attorney calls for social reasons.

Additional information is provided in [PS 7331.05, *Pretrial Inmates \(8/1/2023\)*](#); [PS 5264.08, *Inmate Telephone Regulations \(1/24/2008\)*](#); and [PS 1315.07; *Legal Activities, Inmate \(8/1/2023\)*](#).

Legal Mail / Special Mail

To maintain confidentiality, staff open special mail only in the inmate's presence to inspect for physical contraband and ensure any enclosures qualify as special mail.

Pursuant to [PS 5800.16, Mail Management Manual \(4/5/2011\)](#), inmates are responsible for notifying attorneys that correspondence will be handled as special mail only if the sender is adequately identified as an attorney on the envelope and the front of the envelope is marked "**Special Mail - Open Only in the Presence of the Inmate**" or similar language clearly indicating the correspondence qualifies as special mail and the attorney is requesting the correspondence be opened only in the inmate's presence.

If correspondence is appropriately marked, staff will open the mail only in the inmate's presence. Staff will not read or copy the mail if the attorney follows these procedures. If correspondence does not adequately identify the attorney, contain a statement that the correspondence qualifies as special mail, and request the correspondence be opened only in the inmate's presence, staff may treat the mail as general correspondence, which is opened, inspected, and read. The BOP has prepared an instruction sheet, [Special Mail Notice \(BP-A0493\) \(June 10\)](#), which inmates can include in correspondence to counsel notifying attorneys of these procedures. This form is available at www.bop.gov/policy/forms/BP_A0493.pdf.

All legal/special mail packages are electronically scanned via x-ray prior to entry into the facility. Packages which meet the requirement of legal/special mail are opened in the presence of the inmate.

FDC Miami provides mail service five days a week (Monday through Friday), excluding weekends and holidays.

Additional information is available in [PS 5265.14, Correspondence \(4/5/2011\)](#); and [PS 5800.16, Mail Management Manual \(4/5/2011\)](#).

Legal Mail Drop Box

Legal mail or materials deposited in the legal mail drop box located in FDC Miami's front lobby must fit inside the drop box and may not left near, or hanging out of, the drop box. All legal mail or materials must be in a sealed envelope, contain the special mail markings described above, and include the inmate's full name and register number. Legal mail or materials not meeting the special mail handling criteria may be treated as general correspondence, which is opened, inspected, and read.

FDC staff, including officers in the front lobby and visiting room, will not accept legal mail or materials for delivery.

Additional information is provided in [PS 1315.07, Legal Activities, Inmate \(8/11/2023\)](#).

Legal Materials

Pretrial inmates going out to court or to legal visiting may bring legal materials relevant to their current court proceedings. Pretrial inmates are not allowed to return from court or legal visiting with additional legal materials unless approved in advance. Attorneys

seeking to provide inmates with additional legal materials must mail them to FDC Miami or drop them in the legal mail drop box located in FDC Miami's front lobby.

Electronic Discovery

Attorneys seeking to provide electronic discovery to an inmate must obtain prior approval by emailing a completed *Electronic Discovery ("ESI") Media and/or Device(s) Authorization Form - MIM1315.07-F1* to the Legal Liaison. (See Att. F). Upon approval, the Legal Liaison notifies the attorney they may mail the electronic discovery to the institution.

Electronic discovery materials mailed to inmates at FDC Miami must be contained on an external hard drive, solid-state drive, CDs, or DVDs. For security reasons, FDC Miami does not allow inmates to receive thumb drives, flash cards, or memory cards.

Attorneys should refer to www.bop.gov/inmates/custody_and_care/docs/ediscovery-formats.pdf for a summary of electronic formats supported by the BOP computers inmates use to review electronic discovery.

Recording Devices

The use of cameras or recording equipment, without the consent of the Warden or designee, is strictly prohibited. An authorized legal visitor seeking to bring recording equipment into FDC Miami must obtain prior approval by submitting a *Recording Device Authorization Request Form -MIM1315.07-F3* to the Legal Liaison. (Att. G).

Depositions

FDC Miami follows Federal Rule of Civil Procedure 30(a)(2) and requires parties to obtain leave of court prior to deposing a federal inmate. All depositions require prior approval through the Legal Liaison.

All deposition requests must be made in writing to the Legal Liaison and include the following information:

1. Inmate's name and register number
2. Case caption, case number and nature of matter
3. Requested date and time
4. Expected length of deposition
5. Name, title, and organization of each person attending
6. List of all equipment to be used
7. Indicate whether the inmate consent has been obtained
8. Leave of the court

Polygraphs

The Warden may permit polygraph tests in connection with state or federal criminal felony investigations. Attorneys seeking to obtain a polygraph examination must submit a

request to the Legal Liaison. For additional information, see [PS 5110.13, *Administering of Polygraph Tests \(12/15/1999\)*](#).

Stamps

Inmates may not receive stamps or stamped items other than issuance from the institution or by purchase from the commissary. Attorneys are permitted to send self-addressed envelopes without affixed postage. Additional information is available in [PS 5265.14, *Correspondence \(4/5/2011\)*](#).

Facsimiles

The BOP does not allow inmates to send or receive facsimile communications. Additional information is provided in [PS 5264.08, *Telephone Regulations \(1/24/2008\)*](#).

Notarization Services, Unsworn Declarations, and Oaths

Pursuant to 28 U.S.C. § 1746, an unsworn declaration under 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. Exceptions specified in the statute are a deposition, an oath of office, and an oath required to be taken before a specified official other than a notary public.

Consistent with the above, FDC Miami will administer oaths and acknowledgments and will only notarize documents that absolutely require a notary pursuant to law.

An inmate's attorney may request to bring an independent Notary Public to the institution at the inmate's expense. The Notary Public must receive prior approval in accordance with the visiting requirements discussed above.

Requests for Information

BOP staff disclose information to third parties in accordance with the Freedom of Information Act ("FOIA"), the Privacy Act, and departmental regulations.

Public Information

The BOP webpage (www.bop.gov) provides access to public information including program statements, the BOP's directory of facilities, and the inmate locator.

Non-Public Information

Inmates may obtain their copies of the Inmate Central File and Inmate Medical Records by following local access procedures explained in [PS 1351.05, CN-2, *Release of Information \(3/9/2016\)*](#).

The Privacy Act & Third Party Requests for Information

Pursuant to the Privacy Act, “[n]o agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the records pertains” absent enumerated exception.

FOIA Requests

Attorneys seeking inmate information must obtain the inmate’s written consent authorizing release of the information sought. If an attorney submits a signed consent form from their client along with a request for their client’s medical record to bop-ogc-efoia-s@bop.gov, 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 *Certification of Identity - DOJ Form 361* (Att. H) may be used to satisfy the authorization requirements. The form may also 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 for a current inmate by including the following information about the inmate 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.

In addition to email, attorneys may also submit FOIA requests to the following address:

Mailing address: FREEDOM OF INFORMATION REQUEST
FOIA/PA Section
Office of General Counsel, Room 924
Federal Bureau of Prisons
320 First Street, N.W.
Washington, DC 20534

Telephone: (202) 616-7750

Additional information can be found at www.bop.gov/foia/index.jsp#tabs-0.

Subpoenas

Attorneys may also seek inmate records via subpoena, which the BOP will process pursuant to the Department of Justice's *Touhy* regulations. See 28 C.F.R. §§ 16.21-16.29; *United States ex rel Touhy v. Ragen*, 340 U.S. 462 (1951). Additional information is available at: www.justice.gov/jm/jm-1-6000-doj-personnel-witnesses#1-6.100

Subpoenas must be served upon the Records Custodian or the individually named staff member.

Service of Process

Process servers may enter the institution to serve inmates at FDC Miami with prior approval from the Legal Liaison. Process servers may be required to undergo an NCIC background check. FDC Miami will not compel inmates to appear or accept service of process.

Personal service on FDC Miami employees is ordinarily limited to legal documents related to the staff member's employment with the BOP. Staff are not authorized to accept service for one another.

Medical Treatment

FDC Miami provides pretrial detainees medical, dental, psychiatric, and psychology services onsite as well as through community contractors. Inmates may request medical services by submitting a request through the TRULINCS email system. Health Services triage medical concerns during sick call and schedule appointments for further evaluation by medical staff as clinically indicated. Staff are not authorized to discuss non-public information such as medical information with third parties; however, concerns regarding an inmate's medical condition may be submitted via email to: MIM-ExecAssistant-S@bop.gov.

Additional information can be found in [PS 6031.04, Patient Care \(6/3/2014\)](#).

Eyeglasses

FDC Miami will ensure eyeglasses are available in a timely manner to individuals in pretrial detention who need them to review discovery material and assist in their defense.

Pretrial detainees at FDC Miami may purchase reading glasses necessary to review discovery through the Commissary. Health Services will purchase, stock, and furnish reading glasses to individuals who are indigent.

FDC Miami allows newly committed individuals to retain prescription glasses in the possession at the time of admission. Pretrial individuals may also obtain prescription

eyeglasses from outside sources by completing an “Authorization to Receive Package” form, which the inmate can obtain from their Unit Team. Pursuant to policy, inmates may not possess items valued over \$100.

Mental Health Issues

On-site mental health care is available to all inmates through the Psychology Services department. Inmates may request to be seen by Psychology Services by submitting a request through the TRULINCS email system or verbally to staff when an acute need arises.

FDC Miami is also a designated outpatient forensic study site where evaluations are conducted for the federal courts to assess pretrial inmates for criminal responsibility, competency, and other relevant issues. When a court orders a pretrial mental health study, the U.S. Marshal’s Service is responsible for relaying that order to the BOP’s Designation and Sentence Computation Center (DSCC) via the Capture system. The BOP’s Office of Medical Designations and Transportation (OMDT) then designate a forensic exam site, and the examination period commences upon the inmate’s physical arrival at the designated forensic site.

Any concerns regarding an inmate’s mental health may be submitted via email to: MIM-ExecAssistant-S@bop.gov. Additional information can be found in [PS 5310.17, *Psychology Services Manual \(8/25/2016\)*](#), and [PS 5070.12, *Forensic and Other Mental Health Evaluations \(4/16/2008\)*](#).

Appendix - Forms