



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: CPD/CPB
NUMBER: P5265.13
DATE: 2/19/2009

Trust Fund Limited Inmate Computer System (TRULINCS) - Electronic Messaging

/s/

Approved: Harley G. Lappin
Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

This policy describes the operation of the Trust Fund Limited Inmate Computer System (TRULINCS) - Electronic Messaging. Through TRULINCS, inmates may send electronic messages to securely, efficiently, and economically maintain contact with persons in the community. Both inmates and electronic message recipients must adhere to the rules of this policy, and must not use TRULINCS for any purpose which would jeopardize the safety, security, or orderly operation of the correctional facility, or the protection of the public and staff. Inmates participating in TRULINCS will not have access to the Internet.

a. **Program Objectives.** The objectives of the TRULINCS program are:

- To provide inmates with an alternative means of written communication with the public.
- To provide the Bureau with a more efficient, cost-effective, and secure method of managing and monitoring inmate communication services.
- To reduce the opportunities for illegal drugs or contraband to be introduced into Bureau facilities through inmate mail.

b. **Summary of Changes**

Policy Rescinded: P5265.12 Trust Fund Limited Inmate Communication System (TRULINCS) - Electronic Messaging (3/12/08)

The following changes were made to this Program Statement:

- TRULINCS name changed to “Trust Fund Limited Inmate Computer System” vs. “Trust Fund Limited Inmate Communication System.”
- Policy now requires an institution supplement.
- Paragraphs were added regarding the use of outgoing mail labels.

c. **Institution Supplements.** Each institution must develop an Institution Supplement for the local procedures necessary to operate TRULINCS.

d. **Pretrial, Holdover, or Detainee Inmates.** This policy applies to pretrial, holdover, or detainee inmates designated to Bureau facilities where TRULINCS is activated.

e. **Definitions.**

- “Electronic message” means any electronic, computer-based, written communication composed by an inmate or received from an authorized person using TRULINCS.
- “Electronic message contact list” means a list of authorized persons with whom the inmate may correspond using TRULINCS.
- “Written correspondence” means traditional mail sent or received via the U.S. Postal Service.

2. AUTHORITY

The Bureau’s authority to implement TRULINCS is found in 18 U.S.C. § 4042, which authorizes the Bureau to provide for the safekeeping, care, and subsistence of Federal prisoners. Pursuant to that authority, the CEO prohibits or discontinues its operation, or individual inmates’ participation, whenever it is determined to jeopardize the safety, security, or orderly operation of the correctional facility, or the protection of the public and staff.

Use of the TRULINCS is a privilege; therefore, the Warden or an authorized representative may limit or deny the privilege of a particular inmate (see Section 3 for restrictions).

Individual inmates may be excluded from program participation as part of classification procedures (see Section 3). Information supporting the exclusion is forwarded to the Warden for final determination.

By participating in the TRULINCS program, inmates, and the persons in the community with whom they correspond, voluntarily consent to having all incoming and outgoing electronic messages, including transactional data, message contents, and other activities, monitored and retained by Bureau staff. This authority includes rejecting individual messages sent to or from inmates using TRULINCS that jeopardize the above-mentioned interests.

An inmate's participation in TRULINCS is conditioned on his/her notice, acknowledgment, and voluntary consent to the Warden's authority, as indicated above. Each inmate's notice, acknowledgment, and voluntary consent must be documented on the Inmate Agreement for Participation in TRULINCS Electronic Messaging Program Form (BP-0934). As a reminder to inmates, a warning banner appears each time an inmate participant accesses the system, indicating his/her consent to monitoring.

Community persons' consent to Bureau staff monitoring of all TRULINCS messages and activity is obtained when a community person accepts the initial system-generated message notifying him/her the inmate wants to add him/her to their contact list, and with each subsequent message(s) from inmate participants.

3. TRULINCS RESTRICTIONS

Inmates are excluded from electronic messaging when it is determined that their use would threaten the safety, security, or orderly running of the institution or the protection of the public and staff.

Inmates excluded from program participation under this section are notified of the specific reason(s) by a written explanation of the decision, unless possessing such written information would threaten the safety of the inmate, or other legitimate penological interest(s). If prohibited from possessing a copy of the written explanation, inmates remain entitled under the Freedom of Information Act (FOIA) to access this information from their Central Files, and must be provided reasonable opportunities to access and review such documents. At the inmate's request, expense, and preparation of an envelope, staff may photocopy and mail the documents.

a. **Classification.** An inmate's exclusion from program participation must be based on his/her individual history of behavior that could jeopardize the legitimate penological interests listed above. Inmates must not be excluded from program participation based on general categorizations of previous conduct.

For example, inmates with a personal history of, or prior offense conduct or conviction for, soliciting minors for sexual activity, or possession/distribution of child pornography through the Internet or other means, are excluded from program participation based on their history. Likewise, an inmate with a personal history or special skills or knowledge of using computers/email/Internet or other communication methods as a conduit for committing illegal activities will be excluded.

The existence of a Public Safety Factor - Sex Offender indicates the inmate should be reviewed for underlying conduct that would exclude him/her from TRULINCS program participation. However, inmates generally classified with a Public Safety Factor - Sex Offender, are not automatically excluded from participation, as their personal history may not have involved the specific examples cited above.

b. Pending Investigation or Disciplinary Action for Possible Messaging (TRULINCS)

Abuse or Misuse. If an inmate is pending either investigation or disciplinary action for possible abuse or misuse, a partial or total TRULINCS restriction is authorized by the CEO or designee. A messaging restriction in this situation is discretionary to ensure the institution's safety, security, and orderly operation, or the protection of the public and staff. When deemed necessary, ordinarily the SIS office recommends this type of restriction. Any TRULINCS restriction recommended by the SIS office may only be imposed with the Warden's approval, in accordance with the procedures outlined in this section.

Initial electronic message restrictions, imposed pending an investigation or pending disciplinary action for possible TRULINCS abuse or misuse, are limited to 30 days. If additional 30-day periods are required to complete either the investigation or disciplinary process, the Warden must reauthorize the restriction in writing using these procedures. Trust Fund staff obtain the Warden's approval for reinstatement or continued restrictions every 30 days.

c. Inmate Discipline/Criminal Prosecution. Inmate use of the program in violation of the procedures subjects the inmate to disciplinary action or criminal prosecution. In addition, inmates who abuse, circumvent, or tamper with the TRULINCS program (equipment, application, furniture) or violate program procedures are subject to disciplinary action or criminal prosecution.

The DHO or UDC may impose the sanction of loss of TRULINCS privileges for inmates found guilty of committing prohibited acts.

d. Administrative Remedy Program. Any issue related to the program may be raised through the Bureau's Administrative Remedy program.

e. Special Housing Unit. Inmates in the SHU will not have access to TRULINCS electronic messaging.

4. CONTACT LIST

a. Inmate to Persons in the Community Communication. Inmates may only exchange electronic messages with persons in the community who have accepted the inmate's request to communicate. The Warden may deny electronic messaging if it is determined that there is a threat to institution security or good order, or a threat to the public and staff. Inmates may not exchange electronic messages with unauthorized contacts including, but not limited to, victims, witnesses, other persons connected with the inmate's criminal history, and law enforcement officers, contractors, or volunteers.

NOTE: Inmates may place attorneys, "special mail" recipients, or other legal representatives on their electronic message contact list, with the acknowledgment that electronic messages exchanged with such individuals will not be treated as privileged communications and will be subject to monitoring.

b. Inmate to Inmate Communication. An inmate may be permitted to correspond via electronic messaging with an inmate confined in any BOP facility if the other inmate is either a member of the immediate family, or is a party or witness in a legal action in which both inmates are involved. The following additional limitations apply:

- The appropriate Unit Manager at each institution must approve in writing the correspondence if both inmates are members of the same immediate family or are a party or witness in a legal action in which both inmates are involved.
- The Warden will be informed of any unusual circumstances pertaining to a request to correspond electronically for members of the same immediate family or for inmates who are a party or witness in the same legal action. When denying an inmate's request to correspond electronically, the Unit Manager documents the reason(s) for the denial. The approval of such electronic correspondence privileges for both inmates ordinarily remains in effect if either inmate is transferred.
- Such electronic correspondence may be approved in other exceptional circumstances, with particular regard to the security level of the institution, the nature of the relationship between the two inmates, and whether the inmate has other regular correspondence.

c. Outgoing Mail Labels. Ordinarily, inmates are required to place a TRULINCS-generated mailing label on all outgoing postal mail. The Warden may exempt inmates from this requirement if he/she determines that an inmate has a physical or mental incapacity, or other extraordinary circumstances that prevents him/her from using the TRULINCS terminal, or the inmate poses special security concerns prohibiting access to TRULINCS terminals.

The Warden may exempt inmates housed in SHU or other areas of the institution in which there are special security concerns that limit regular access to TRULINCS.

If an inmate fails to place the TRULINCS-generated label on outgoing postal mail, the mail is returned to the inmate for proper preparation, in the same way outgoing mail is returned for failure to follow other processing requirements, e.g. lack of return address, etc.

Mailing labels are only placed on outgoing postal mail. Inmates who use mailing labels for other than their intended purpose may be subject to disciplinary action for misuse of Government property.

Ordinarily, inmates are limited to printing no more than 10 labels per day. An inmate may be authorized to print labels in excess of these limits only upon approval of the Warden or designee.

5. PROCEDURES FOR EXCHANGING ELECTRONIC MESSAGES

Inmates and persons in the community may exchange electronic messages in the following manner.

a. **Contact List.** It is an inmate's responsibility to maintain his/her own contact list. An inmate requests to exchange electronic messages with a person in the community by placing that person on the inmate's contact list.

b. **Notice.** Upon receiving the system generated message, the person in the community is notified that:

- The Federal inmate identified seeks to add the person in the community to his/her authorized electronic message contact list.
- The person in the community may approve the inmate for electronic message exchanges, refuse the request for electronic message exchanges, or refuse the current and all future Federal inmates' requests for electronic message exchanges.
- By approving, the person in the community consents to have Bureau staff monitor the content of all electronic messages and agrees to comply with program rules and procedures.
- If the person in the community sends an attachment with an electronic message to a Federal inmate, the attachment will be stripped from the message and will not be delivered to the inmate.

c. **Consent.** If the person in the community consents to receive electronic messages, that person is added to the inmate's electronic message contact list.

d. **Later Notices.** Every subsequent electronic message to a person in the community on the inmate's electronic message contact list will:

(1) Allow the person in the community to take no action, in which case the person remains on the inmate's electronic message contact list, remove himself/herself from this inmate's electronic message contact list for all future exchanges, or remove himself/herself from all inmates' electronic message contact lists for all future exchanges.

(2) Notify the person that by taking no action, the person in the community consents to have Bureau staff monitor the content of all electronic messages and agrees to comply with program rules and procedures.

(3) Notify the person in the community that if he/she sends an attachment with an electronic message to a Federal inmate, the attachment will be stripped from the message and will not be delivered to the inmate.

e. **Removal of TRULINCS Block.** When an email address is blocked by the contact via the system-generated message, the System Administrator removes the block by placing the contact's status to pending contact approval when a written request from the contact is received. Copies of all requests are scanned into TRUFACS using the document imaging process.

6. ELECTRONIC MESSAGE MONITORING - GENERAL

Electronic messages sent or received by inmates at all security levels are subject to monitoring for content by trained staff. If it is determined that workload permits, all staff may be assigned to monitor electronic messages.

7. ELECTRONIC MESSAGE MONITORING - SIS-DESIGNATED ELECTRONIC MESSAGE MONITORED INMATES

Inmates identified as requiring communications monitoring will also have their electronic messages monitored and reviewed.

8. REJECTION OF ELECTRONIC MESSAGES

a. **Reasons for Rejection.** Electronic messages that would jeopardize the safety, security, or orderly operation of the correctional facility or the protection of the public and staff may be rejected for reasons that include, but are not limited to:

(1) The message is detrimental to the security, good order, or discipline of the institution, or a threat to the public and staff, or it might facilitate criminal activity, including any message that:

- Depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption.
- Depicts or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices.
- Depicts, encourages, or describes methods of escape from Bureau facilities, diagrams, drawings, or similar descriptions of prisons.
- Encourages, instructs, or may facilitate criminal activity.
- Constitutes unauthorized direction of an inmate's business (see 28 CFR Part 541, subpart B, regarding Inmate Discipline).
- Contains threats, extortion, or obscenity.
- Is written in, or otherwise contains, a code.
- Constitutes sexually explicit material that, by its nature or content, poses a threat to the safety, security, and orderly operation of Bureau facilities, or protection of the public and staff.
- Depicts or describes procedures for the manufacture of alcoholic beverages or drugs.

(2) The electronic message otherwise violates the established parameters of the TRULINCS program.

b. **Authority to Reject.** The authority to manually reject messages is not delegated below the Associate Warden.

c. **Notification of Rejection.** When an electronic message is rejected, the sender is notified that his/her electronic message will not be delivered and the reason(s) for the rejection. The intended recipient is not informed of the rejection.

9. RESPONSIBILITY FOR MISUSE OF TRULINCS

If either an inmate or a person in the community attempts to send messages that are rejected, forward inmate electronic messages to an unauthorized address, or otherwise violate this policy, the Warden or designee may remove the individual from participation in this program. Both parties are notified of the removal by the Warden.

10. EXPENSES OF INMATE TRULINCS USE

The Chief of the Trust Fund Branch, with the concurrence of the Executive Staff, sets all program fees, including user fees and printing fees. The inmate pays all required program fees. By participating in the program, the inmate consents to have the Bureau withdraw program fees directly from his/her Deposit Fund account.

11. LAW ENFORCEMENT REQUESTS FOR ELECTRONIC MESSAGES

The Bureau's TRULINCS System of Records, and the Privacy Act of 1974, allow disclosure of TRULINCS transactional data and message content for law enforcement purposes, as defined therein. Subpoenas for these are not required, as compared to recorded telephone conversations. Upon receipt of a properly submitted written request from a law enforcement agency, BOP staff are authorized to release both transactional data (e.g., date, time, electronic message address, electronic message recipient and sender, and length of the message) and copies of the electronic messages.

Any inquiries can be referred to the FOIA Office, or seek regional counsel, or consolidated legal center assistance.

REFERENCES

Program Statements

P1237.13	Information Security Programs (3/31/06)
P1315.07	Legal Activities, Inmate (11/5/99)
P1330.16	Administrative Remedy Program (12/31/07)
P4500.06	Trust Fund/Deposit Fund Manual (2/19/09)
P5264.08	Inmate Telephone Regulations (1/24/08)
P5265.11	Correspondence (7/9/99)
P5267.08	Visiting Regulations (5/11/06)
P5270.07	Inmate Discipline and Special Housing Units (12/29/87)

ACA Standards

None.

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) system in BOPDOCS and Sallyport.