

Obtaining Medical Records

The BOP is working to expedite transfer of medical records to counsel representing prisoners for compassionate release. It has offered the following procedures to hasten the release of medical records to counsel. Be aware that the agency has explained it will prioritize release of medical records for prisoners who:

- meet “traditional” compassionate release criteria (terminal, debilitated, elderly with medical conditions, etc.) and who would be especially vulnerable to COVID-19 under CDC guidelines, and
- have exhausted administrative remedies or for whom the lapse of the 30-day statutory period looms.

That said, the BOP is aware that requests will be made prior to exhaustion and, we understand, will attempt to honor them.

If the prisoner is seeking compassionate release because they are **terminally ill or debilitated** under [P.S. 5050.50](#):

- Ask the prisoner to obtain, fill out, and sign the [Certification of Identity](#) (COI) Form. Prisoner information goes on the top and the prisoner signs Certification. Your name must appear below in the section that begins “Optional” as the prisoner is authorizing release to you.
- The prisoner should keep the original and send a copy to you.
- You **need not wait** to receive the COI form to begin your request.
 - Send an email to the BOP legal counsel responsible for the institution where the prisoner is incarcerated. Here is a [link](#) to the list of regional counsel names and email addresses.
 - In the **subject line write**: “Medical Records (client name and register number).”
 - In the **body of the email state**:
 - That your client is either terminally ill or debilitated.
 - That you are seeking medical records for X period.
 - **Practice tip**: limit the amount of records to the previous one or two years if possible. They will get to you faster.
 - That you have the prisoner’s permission to receive the records you are requesting.
 - **Attach**:
 - [Certification of Identity](#) form for the prisoner with as much information as possible, put your name in the section called “Optional,” and sign it.
 - An email from the prisoner authorizing you to make the request, if you can get such an email.
 - You **need not wait** for an email from the prisoner authorizing you, but you should forward it as soon as you can after making the request.

- Next, **wait a “reasonable period of time.”** This is not defined but could be as short as a week or less in cases of particularly vulnerable prisoners and longer if there is more flexibility. In the case of individuals who are in hot spot institutions, a week might be too long; in the case of individuals whose medical condition is stable and where no cases of COVID-19 are reported, maybe wait a little longer.
- **If you do not receive the records in a reasonable period of time**
 - Forward the email to BOP-OGC/ExecAssistant~@BOP.gov. The BOP requests that medical record requests to the OGC email address be made for those prisoners who have exhausted their administrative remedies or who are nearing exhaustion. Nevertheless, the office is aware that requests will come for prisoners earlier in the process.

Obtaining Medical Records for all other prisoners:

- Ask the prisoner to obtain, fill out, and sign the [Certification of Identity](#) (COI) Form. Prisoner information goes on the top and the prisoner signs Certification. Your name must appear below in the section that begins “Optional” as the prisoner is authorizing release to you.
 - The prisoner should keep the original and send a copy to you.
 - You **need not wait** to receive the COI form to begin your request.
- **File a [FOIA request](#).**
 - In the **subject line write:** “Medical Records (client name and register number).”
 - In the **body of the email state:**
 - That your client is seeking compassionate release and state the grounds and any COVID-19 underlying conditions.
 - That you are seeking medical records for X period.
 - **Practice tip:** limit the amount of records to the previous one or two years if possible. They will get to you faster.
 - That you have the prisoner’s permission to receive the records you are requesting.
 - **Attach:**
 - [Certification of Identity](#) form for the prisoner with as much information as possible, put your name in the section called “Optional,” and sign it.
 - An email from the prisoner authorizing you to make the request, if you can get such an email.
 - You **need not wait** for an email from the prisoner authorizing you, but you should forward it as soon as you can after making the request.

- Next, **wait a “reasonable period of time.”** This is not defined but could be as short as a week or less in cases of particularly vulnerable prisoners and longer if there is more flexibility. In the case of individuals who are in hot spot institutions, a week might be too long; in the case of individuals whose medical condition is stable and no cases of Covid-19 are reported, maybe wait a little longer.
- **If you do not receive the records in a reasonable period of time:**
 - Forward the email to BOP-OGC/ExecAssistant~@BOP.gov. The BOP requests that medical record requests to the OGC email address be made for those prisoners who have exhausted their administrative remedies or who are nearing exhaustion. Nevertheless, the office is aware that requests will come for prisoners earlier in the process.
- **Other things you can try:**
 - Ask the AUSA to provide you the records.
 - If you are filing or already filed, ask the judge to order their release to you.