

7 FAM 440 PROLONGED IMPRISONMENT

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7 FAM 441 REGULAR VISITATION

While frequent visits during the pre-trial stage of confinement are generally more useful than post-conviction visits, prisoners serving sentences should be visited at regularly scheduled intervals. Such visits permit the consular officer to monitor the prisoners' physical and mental health, provide reading material, obtain information that might be passed on to relatives, and reassure the prisoners that the U.S. Government is still interested in their well-being. At a bare minimum each convicted U.S. citizen prisoner should have an opportunity to confer with a consular officer at least once every 3 months.

7 FAM 442 REPORTING

The post must also maintain the same record of visits as described in section 7 FAM 421.2 , reporting each visit to the Department (CA/OCS/ EMR).

7 FAM 443 CONCEPTS OF REHABILITATION

It must be borne in mind that most U.S. citizen prisoners will return, in time, to a free society, most often to the United States. Their adjustment to society, hence their subsequent social or antisocial behavior, may depend in large measure on the concepts they carry with them from their relationships with society and authority during their period of imprisonment.

Many foreign penal systems are well equipped to return U.S. citizens to their own society as rehabilitated individuals. Some, while having the capacity to rehabilitate members of their own societies, cannot adequately rehabilitate the U.S. citizen, due to different cultural mores and needs. Others, unfortunately, are not oriented or equipped to rehabilitate prisoners at all. Prison conditions may be standard throughout a country or may vary widely from one penal institution to another within a country.

Rehabilitation may not be the issue at all in some cases. Persons who do not suffer from any form of social maladjustment are often subject to imprisonment, either as a result of error on the part of authorities or because of the commission of such offenses as destructive automobile accidents. The same may well be true of U.S. citizens convicted abroad of "political offenses," real or imagined, which would not be considered criminal in the United States.

7 FAM 444 SERVICES

7 FAM 444.1 Health Services

There are a number of services, in addition to the Emergency Medical/Dietary Assistance (EMDA) program described in section 7 FAM 450 , that a consular officer can provide to help a prisoner maintain adequate health during the period of incarceration.

7 FAM 444.1-1 Nutrition

Many penal systems do not, for various reasons, provide an adequate, nutritious diet. In these circumstances the consular officer must pay careful attention to the prisoner's health. Should it appear that the prison diet is inadequate, it may be possible to persuade the responsible prison official to improve the diet. Dietary supplements may be arranged through contributions of vitamins and minerals from locally represented U.S. citizen-owned companies, from the local U.S. citizen community, or from other sources. Prisoners who are the beneficiaries of OCS/TRUST funds may arrange for the use of these funds to purchase supplements. Employment within the prison might be arranged in exchange for extra food or for local currency that would allow the prisoner to purchase supplemental foods.

7 FAM 444.1-2 Medical and Dental Care

The provision of adequate medical and dental care is a recognized and essential responsibility of the imprisoning authority. However, national standards of medical and dental care vary greatly from country to country. A level of care which is high by local standards may be woefully inadequate by U.S. standards. Prison authorities may not be able to provide the same care available outside in the local community. While the consular officer must insist that the imprisoning authorities meet their medical responsibilities, in many instances this may be impossible or futile.

The consular officer's first responsibility is to the prisoner. The officer should be prepared to seek outside resources to meet medical needs of prisoners. The first approach should be to the family or friends of the prisoner. Next, the consular officer should explore the possibility of assistance from local American organizations or charities before considering the EMDA Program.

7 FAM 444.2 Morale Boosters

Since many of the U.S. citizens imprisoned abroad are first-time offenders, and others may be serving their first time in prison, the consular officer will often find that prisoners suffer severe emotional reactions to incarceration. Even those with previous U.S. prison experience may exhibit severe morale problems as a result of the alien cultural environment in which they find themselves. While it is obviously well beyond the ability of the consular officer to eliminate, or even moderate, the basic causes of this reaction, there are a number of actions which may be taken to reduce their adverse effects on the prisoner.

7 FAM 444.2-1 Reading Materials

The availability of English language reading material (especially of U.S. origin) such as books, magazines, and newspapers, can often go a long way toward easing the problems of confinement in an alien society. The local American community, if any, may be persuaded to supply prisoners such reading material, as well as athletic equipment, and games.

7 FAM 444.2-2 Holiday Meals

The local American community may also be willing to provide typical American holiday meals on appropriate occasions, if local prison authorities permit.

7 FAM 444.2-3 Special Family Visits

The consular officer may often arrange for special permission for visits to prisoners by family members who have either arrived on other than normal visiting days or whose ability to visit the place of confinement is limited for other reasons.

7 FAM 444.2-4 Providing Personal Amenities

As with prisoners in pretrial confinement, everyday items such as postage stamps, toiletries, and stationery, if permitted by prison authorities, may be purchased out of prisoners' funds by the consular officer. In finding ways to make life easier for prisoners, care must be taken not to violate pouch, APO, and FPO regulations. Imprisonment does not entitle prisoners to use these official facilities. Because of the importance of mail service to prisoner morale, however, consular officers should assist in proper ways to expedite prisoners' mail.

7 FAM 444.2-5 Prison Employment

In many penal systems remunerative work is available to some or all prisoners. Such work may also count toward reduction of sentence. Consular officers should take an active interest in U.S. prisoners' attempts to obtain such work. In prisons where the opportunities exist but are limited, the consular officer's expression of interest may make the difference in having such work made available.

7 FAM 444.2-6 Correspondence Courses

Correspondence courses can do much to alleviate the boredom and depression common to prisoners. Consular officers should be ready to assist U.S. prisoners in arranging for correspondence courses.

7 FAM 444.2-7 Personal Conversation

While considering the various specific and individual services that a consular officer can perform, the post should not overlook the psychological lift a prisoner can derive just from the consular officer's visit. The expression of interest of another human being, and the opportunity for conversation with fellow countrymen from "outside the walls," can be an important morale-building event in a prisoner's otherwise dull existence.

7 FAM 444.2-8 Contacts With Family and Other Interested Parties

The consular officer should answer promptly and as responsively as possible all inquiries received from a prisoner's next of kin (NOK), members of Congress, and the Department. In responding to inquiries, Privacy Act requirements must be respected. At the request of the prisoner, the consular officer may write or send a telegram directly to the NOK to advise them of a prisoner's needs or to assure them of the prisoner's well-being.

7 FAM 445 PRISONERS WHO DO NOT WISH TO BE VISITED

Prisoners who do not wish to see a consular officer should generally have their wishes respected. However, before noting in the records of the case that a prisoner has expressed such a desire, the consular officer should get that information directly from the prisoner, if possible. After determining to the officer's satisfaction that a prisoner really does not wish to be visited, the consular officer should report that fact to the Department (CA/OCS/EMR). If subsequent events indicate that the prisoner has changed this decision, or that overriding considerations may make an interview necessary, the consular officer should not hesitate to ask to see the prisoner. When visiting a prison in which one or more U.S. citizen prisoners have requested that they not be visited, the consular officer should inquire about their well-being, annotate the files, and report to the Department accordingly.

7 FAM 446 HUNGER STRIKES

While in some instances a hunger strike announced by a prisoner may be a bid merely to gain attention, any person who deviates from normal eating habits or intake of fluid may suffer debilitating physical and mental side effects for which that person never bargained. After a long term deprivation of food and shorter term deprivation of fluid, serious irreversible changes can occur, and sudden death can result. It is therefore imperative that consular officers take with utmost seriousness the hunger strike of any U.S. citizens in foreign prisons, particularly where poor sanitary conditions, inadequate diet, and primitive medical facilities exist.

Consular officers should discuss with local authorities what steps they contemplate for stopping the strike. If the strike continues, consular officers should also look into the local government's policy concerning the development of a life-threatening situation.

It is the responsibility of local prison officials to intervene in an effort to preserve a prisoner's life. Some foreign governments may have a policy of not force feeding hunger strikers and will not intervene in a life-threatening situation. Consular officers are, nonetheless, urged to approach local authorities to discuss steps they might take when a prisoner refuses treatment for whatever reason.

Consular officers should stress that it is the U.S. Bureau of Prisons policy to force feed any prisoner engaging in a hunger strike about whom a medical determination has been made which indicates that the striker's health has reached a life-threatening or comatose state, or when the striker cannot make rational decisions. It can be stressed that this policy would also apply to any alien hunger striker incarcerated in the United States.

Any prisoner hunger strike should be reported telegraphically to the Department (CA/OCS/EMR), using the precedence designator "IMMEDIATE".

7 FAM 447 THROUGH 449 UNASSIGNED