

# LEAVENWORTH TIMES

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## **IN DEPTH: CCA recordings raise concern about attorney-client privacy**

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A detention facility in Leavenworth is at the center of concerns about attorney-client privacy.

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A detention facility in Leavenworth is at the center of concerns about attorney-client privacy.

At issue are recordings of meetings between inmates at the Corrections Corporations of America Leavenworth Detention Center and their attorneys.

The recordings came to light as part of a federal criminal case involving allegations of a scheme to distribute contraband at the Leavenworth facility, according to media reports.

Operated by the for-profit CCA, the Leavenworth Detention Center contracts with the U.S. Marshals Service to house federal pretrial inmates.

CCA operates corrections facilities across the United States. The company has its headquarters in Nashville, Tennessee.

Jonathan Burns, director of public relations for CCA, said in a statement that "video recordings of inmate/attorney meetings, which do not capture audio, are a standard practice in correctional and detention facilities throughout the

country and are used solely to protect the safety and security of inmates, their attorneys and the broader correctional setting."

During a hearing Tuesday in federal court, attorneys presented evidence that telephone conversations between attorneys and their clients also may be recorded, the Associated Press reported.

This is something Burns denied in his statement to the Leavenworth Times.

U.S. District Judge Julie Robinson has ordered detention facilities with federal inmates in Kansas and Missouri to stop recording attorney-client communications. She also has announced plans to appoint an independent investigator in the case, the Associated Press reported.

Burns said in his statement that "CCA is fully complying with the judge's order."

When contacted by the Leavenworth Times, Melody Brannon, the chief of federal public defenders for Kansas, said she could not comment on the situation because of ongoing litigation.

But Brannon spoke during Tuesday's hearing in federal court and called the CCA's recordings and their use by prosecutors a "systemic breach," the Associated Press reported.

James Cross, public information officer for the acting U.S. attorney for Kansas, said in an email to the Times that the "U.S. Attorney's Office would not knowingly seek to obtain privileged attorney/client information."

Cross said he could not go into further details, citing the ongoing litigation and criminal investigation.

A document filed this past week by a federal prosecutor indicated recordings obtained from CCA through a subpoena that had requested surveillance video and still images included footage marked as being from attorney rooms, but prosecutors have not reviewed this footage.

The state's correctional agency, Kansas Department of Corrections, does not record meetings between inmates and attorneys in its facilities, said Adam Pfannenstiel, communications director for KDOC.

However, at the Leavenworth County Jail, one security camera captures people in in a contact room that is used for meetings between inmates and attorneys. The same camera also captures people in the jail's medical offices and a general visitation room, Sheriff Andy Dedeke said.

He said the camera captures inmates with attorneys in the contact room because the walls are glass. He said the walls are glass for security reasons.

"There is no audio," Dedeke said.

The jail is located at the Justice Center, which also houses courtrooms.

Dedeke said the Sheriff's Office also uses cameras to monitor rooms located off of the courtrooms where attorneys meet with their clients. But there is no audio recorded.

In 2007, an inmate attacked an attorney in one of these rooms. Dedeke said officers were able to respond because they could see the attack unfolding on the feed from a security camera.

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