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U.S. prison recordings of attorney-client meetings spur legal fight

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By Kevin Murphy | KANSAS CITY, KAN.

Aug 16 Federal agents investigating a massive drug smuggling ring inside a U.S. prison in Kansas in April subpoenaed Corrections Corp of America , a private company that manages the facility, seeking all prison video footage for nearly two years.

There was just one problem, according to court documents. The recordings that CCA turned over included silent video of confidential attorney-client meetings at the prison.

Defense lawyers for six people charged in the case on Tuesday plan to urge a federal judge to order a broad, independent investigation, including all instances in which the U.S. Attorney's office in Kansas has requested and received privileged recordings.

The video recordings of what should have been privileged and confidential attorney-client meetings contain no audio. But the defense says they could show documents, reveal inmate body language or allow agents to read prisoners' lips.

The lawyers assert that CCA has also turned over audio recordings of phone calls between inmates and their attorneys.

"CCA has routinely and surreptitiously recorded video of meetings between counsel and clients that were supposed to be confidential," Melody Brannon, the federal public defender in Kansas, wrote in a court filing.

U.S. law protects communications between individuals and their attorneys from outside parties in virtually all circumstances.

The U.S. Justice Department has said in court papers that no prosecutor has seen the video recordings, which were first turned over to a government "taint" team tasked with identifying any potentially privileged footage so it can be removed.

The government has also consented to the appointment of an independent investigator, but only for the limited purpose of examining the videos in the current case to determine which recordings should be excluded.

Last week, U.S. District Judge Julie Robinson ordered all detention facilities in Kansas and the western part of Missouri to stop recording such meetings. She also instructed prosecutors to turn over the footage in the case to the court.

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It is not clear whether attorney-client meetings are regularly recorded at all prisons operated by CCA, which manages 85 local, state and federal facilities in 20 states. Company representatives did not respond to a request for comment on Tuesday.

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The U.S. Bureau of Prisons also did not immediately respond to questions about its video policy.

Tuesday's hearing before Robinson is scheduled for 1:30 p.m. CDT (1830 GMT). (Writing by Joseph Ax;

Editing by Tom Brown)

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* Builders Firstsource, Inc. announces pricing of secondary offering



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