

16CR20032d-ord(SecurusPreservation).wpd

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,	:	CASE NO. 16-20032
Plaintiff	:	
	:	
v.	:	SPECIAL MASTER DAVID R. COHEN
	:	
LORENZO BLACK, et al.,	:	<u>PRESERVATION ORDER</u>
Defendants	:	

On October 25, 2016, the undersigned issued a *Discovery Conference Order* (docket no. 155). Among other things, this Order directed the United States Attorneys’ Office, Corrections Corporation of America – Leavenworth Detention Center (“CCA-Leavenworth”), CCA, and the United States Marshals Service (“USMS”), each to identify and preserve certain information. *See Discovery Conference Order* at 5-6.

The Special Master now **ORDERS** as follows. Because it appears that Agents from the United States Secret Service (USSS) may also have similar, related information, the USSS shall also “identify and preserve all information and sources of information relevant to the matters listed on pages 7-8 of the *Appointment Order* (docket no. 146). This obligation includes preserving all emails (regardless of the device used to send or receive them) and other documents related to video- and audio-recording at CCA-Leavenworth or any other detention facility.” *Discovery Conference Order* at 5-6.

Further, it appears that: (1) the telephone recording system at CCA-Leavenworth is supplied and operated by Securus Technologies; and (2) although CCA, the USMS, and the OUSA all have

relationships with Securus, it is unclear whether any of these entities have ensured that Securus has taken steps to preserve relevant information. Accordingly, the Special Master further **ORDERS** Securus to identify and preserve all information and sources of information relevant to the matters listed on pages 7-8 of the *Appointment Order*. This specifically includes (but is not limited to) information related to: (1) requests for recordings of telephone calls to or from CCA-Leavenworth; (2) the recordings produced pursuant to those requests, and all associated data; (3) any monitoring of these telephone calls (by any entity and any means); and (4) recordings of monitored telephone calls, and all associated data.¹ Further, the Special Master directs Securus to provide the undersigned with a copy of the contract between it and CCA-Leavenworth.

The Special Master notes that Joshua Martin, who is Senior Corporate Counsel of Securus, has stated to the undersigned via email that Securus “is of course willing to cooperate in the preservation of relevant information,” but “want[s] to make sure [it has] a proper understanding of the scope of the request.” This Order, which the Special Master will send to Mr. Martin, is designed to ensure this understanding.

The OUSA shall provide the USSS, the USMS, and CCA with a copy of this Order.

RESPECTFULLY SUBMITTED,

/s/ David R. Cohen

David R. Cohen
Special Master

DATED: November 18, 2016

¹ The obligation imposed by this Order and the *Discovery Conference Order* includes: suspension of routine destruction of information; guarding against deletion; preservation of data and metadata in native form; preservation of information on workstations, servers, laptops, online accounts, and all other sources; and preservation of information in the custody of others that is subject to the obligee’s direction or control.