

16CR20032g-ord(SecurusProduction).wpd

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

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

As noted in the Special Master’s *First Report Regarding Telephone-Call Audio Recordings*, the Court earlier “ordered the Government to produce all copies of all telephone-call audio recordings the Government had obtained from [Corrections Corporation of America – Leavenworth Detention Center (“CCA-Leavenworth”)] (which, in turn, had obtained the recordings from Securus).” *Report* at 1 (docket no. 183).¹ The Special Master’s initial, partial analysis of these audio recordings revealed that: (1) some of these recorded telephone calls were from inmates to their attorneys; (2) some of these telephone calls were recorded even though the attorney had earlier directed CCA to designate their telephone number as “Private,” meaning not to record calls made to the attorney’s telephone number; and (3) the Government may have listened to some of these attorney-inmate recorded calls.

The Court has directed the undersigned to investigate the extent to which attorney-inmate

¹ “Securus” refers to Securus Technologies. The Special Master will send a copy of this Order to Mr. Joshua Martin, Senior Corporate Counsel of Securus.

telephone calls at CCA-Leavenworth were monitored, recorded, and listened to. The Special Master has reviewed the capabilities of the Securus audio-recording product and related software, the reports it can produce, and the data it retains. Accordingly, the Special Master **ORDERS** Securus to produce to the Special Master the following information and materials. Except where noted, information and materials should be produced: (1) in searchable electronic format (e.g., excel spreadsheets); and (2) for the period beginning January 1, 2011 through December 31, 2016. If Securus has any questions about this directive, it should contact the Special Master.

- All communications or records of communications to or from Securus, including letters, telephone calls, and incoming and outgoing emails, related to requests for telephone-call audio-recordings (“TCARs”) of CCA-Leavenworth inmates. This applies regardless of whether the request was for TCARs of calls made by certain inmates, or to certain telephone numbers, or for a certain time period, or any other parameter; and regardless of who made the request.
- All records related to instances where one or more TCARs of one or more CCA-Leavenworth inmates were collected and transmitted to any individual by Securus (e.g., CCA-Leavenworth inmate TCARs were sent to an individual via download, or burned to a CD/DVD for transmission to a law enforcement entity).
- All records related to instances where one or more CCA-Leavenworth inmate telephone calls were monitored while the call occurred, including use of the Covert Alert feature.
- All records related to the designation by CCA-Leavenworth of a telephone number as “Private,” meaning calls to that number were not to be recorded or monitored. This includes records related to the removal or loss of the “Private” designation for a telephone number.

- Records related to the policy and procedure of designating a telephone number as “Private.”
- A list of the telephone numbers designated as Private by CCA-Leavenworth as of December 31, 2016.
- A list of all persons who had any level of access to the Securus system at CCA-Leavenworth.

Finally, the Special Master **ORDERS**: (1) Securus shall produce the requested information and materials within 30 days of the date of this Order; (2) Securus shall retain (but not produce, at this time) all TCARs of CCA-Leavenworth inmates for the period beginning January 1, 2011 through December 31, 2016; and (3) CCA-Leavenworth shall facilitate Securus’s compliance with this Order, to the extent Securus requests it.

IT IS SO ORDERED.

/s/ David R. Cohen

David R. Cohen
Special Master

DATED: December 16, 2016