

NEWS

# Attorney-client talks at jail possibly recorded again

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Augusta Chronicle

For a second time, technology in the Richmond County Sheriff's Office might have contributed to the violation of one of the country's most important constitutional rights.

Last month, a judge found that the recording of attorneys speaking with clients at the downtown sheriff's office was not only a violation of the clients' rights but also criminal, although inadvertent. On Friday, a different judge appointed a special master to review hours of video recordings of jail inmates meeting with their attorneys or possibly other professionals, such as probation officers.

Superior Court Judge Ashley Wright appointed Augusta-area attorney Keith Johnson, who is the Augusta Bar Association's president, to serve as a special master to determine whether any of 69 recorded meetings were between clients and attorneys.

The recordings at the jail resulted from an upgrade to vendor-operated software used at the visitor center at the Charles B. Webster Detention Center on Phinizy Road, Wright wrote in her order. The software is installed in booths used by inmates' families, and in the booth reserved for attorneys to talk with their clients.

## The Augusta Chronicle

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Maybe, not sure yet

No, I am not planning to

No opinion

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About this survey

Although the attorney booth is labeled for attorneys, others such as probation officers also use it, Wright said in an interview last week. It's possible that the recordings could have been with professionals other than attorneys, and those conversations are not privileged, she said.

But attorney-client conversations are privileged and a cornerstone to the constitutional right to an attorney. The privilege is so sacred that an attorney can never reveal the content of a conversation with a client, even after a client dies.

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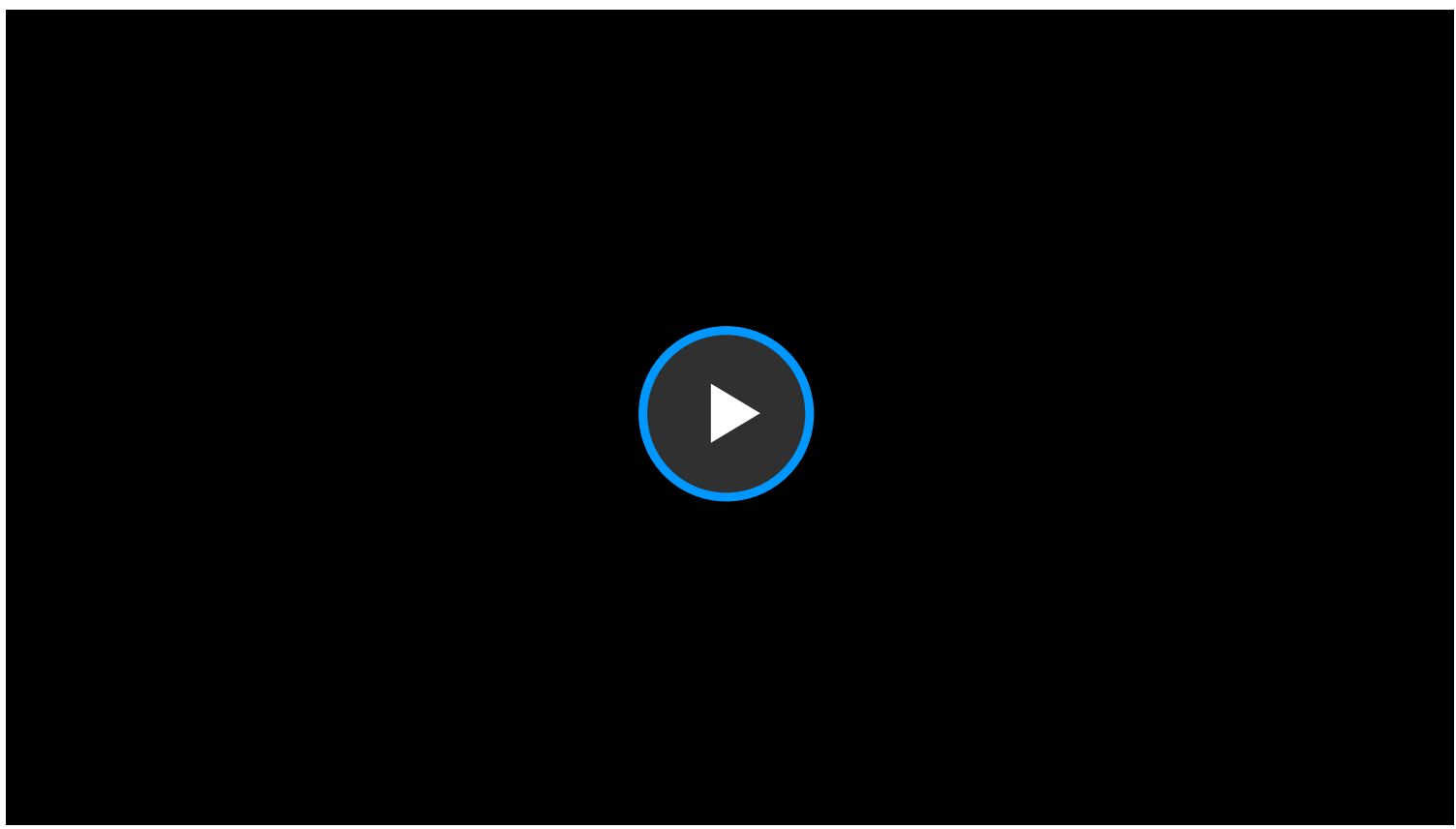
In his order finding the constitutional rights of two murder suspects were violated when their meetings with their attorneys at the sheriff's office were recorded, Judge J. Wade Padgett wrote: "There are few rights more clearly defined than the right to counsel. Inherent in that right is the ability of a person to discuss issues with an attorney in a manner that is confidential and privileged.

"Recording such conversations, even without sound, is a crime – unlawful eavesdropping or surveillance," Padgett wrote.

As Padgett found in the case of Williams Krepps and Verdi Vaughn, Wright wrote that the recordings at the jail weren't an intentional act on behalf of the officers. The 69 recordings between June 14 and Sept. 14, however, must be reviewed for privileged communication.

Johnson is tasked with reviewing the procedures at the jail to ensure confidential conversations between clients and attorneys are protected; ensure the 69 recordings are the only such recordings; identify who is in the recordings and notify them; provide the judge and sheriff a list of the recorded visits with dates and time noted; and keep confidential all information gleaned from the task.

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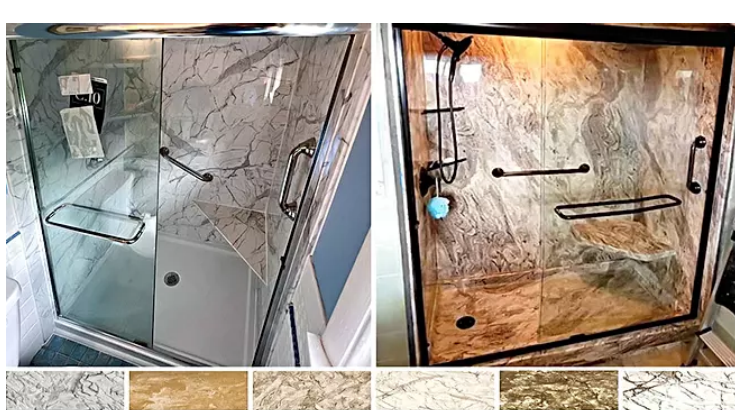
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