

**From:** [Miller, Tina \(USAPAW\) 4](#)  
**To:** [USAPAW-All Criminal](#)  
**Subject:** Evidence Requests to Jails  
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**Importance:** High


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Given the problems we've seen in various jails, it should come as no surprise that both state and federal institutions are increasing the presence of video and audio surveillance systems within the jails. This can yield helpful evidence in cases where prisoners are committing criminal acts within the jails. However, we should be mindful that attorney client meetings also occur within these institutions. In order to avoid any inadvertent intrusions into the attorney client relationship, we should be clear in any requests we make to jails (state, local or federal) for audio, video, and even copies of letters to and from inmates, that we are not seeking any communication or interactions between defendants and their attorneys. This includes video surveillance of attorney client meetings. Even if there is no audio to the videotape, we should not be obtaining videos or images of attorney client meetings in a jail unless there is reason to believe the crime fraud exception applies (for example if the attorney is passing drugs or contraband to the inmate).

As we do for jail calls, all requests for video surveillance evidence from a jail (local, state or federal) must be made to me in advance of requesting the evidence from the institution. Similarly, any requests for copies of inmate correspondence should be approved by me before you or the agent requests copies of the correspondence from the institution.

One final point: This approval process applies as well to actions and requests, including administrative subpoenas, issued by agents on your investigations.

Please contact Troy Rivetti or me with any questions or comments. Thanks. Tina

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