

**CUMBERLAND COUNTY DISTRICT ATTORNEY'S OFFICE POLICE FOR LAW  
ENFORCEMENT OFFICERS**

**PROTECTION OF ATTORNEY-CLIENT PRIVILEGE**

- I. This policy is to prioritize and maintain the confidentiality of attorney-client communications anywhere that officers from this agency may be present and interacting with suspects or individuals charged with a crime.
- II. Officers must abide by this policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.
- III. The following procedures apply for confidential in-person attorney-client meetings, which may include the District Attorney offices, a jail or prison, or a courthouse:
  - a. Officers will take reasonable steps to verify the identity and professional standing of an individual identifying themselves as an attorney prior to permitting an in-person attorney-client meeting.
  - b. If an in-person meeting is permitted, law enforcement officers must provide a private and secure meeting area.
  - c. Audio and video surveillance are strictly prohibited during these meetings.
  - d. Officers shall not be present during attorney-client discussions unless explicitly requested by the attorney or client for safety reasons.
- IV. The following procedures apply during confidential attorney-client telephone communications:
  - a. Calls between attorneys and their clients shall not be monitored, recorded, or intercepted. Phone logs may be maintained for security reasons, but no content from attorney-client conversations may be accessed. If phone systems require prior approval for calls, attorney numbers should be pre-approved for direct access.
  - b. If an agency or officer is inadvertently allowed access to a confidential attorney-client communication (such as if an attorney calls from a number that is not administratively flagged in the system), the officer **must, without informing the prosecutor of the contents of the communication**, make the communication known to the prosecutor's office handling the case.
- V. The following procedures apply to confidential attorney-client correspondence:
  - a. Mail or documents labeled "Legal Mail" must be delivered unopened unless a security inspection is necessary.
  - b. If an inspection is required, it must be conducted in the presence of the recipient without reading the contents.
  - c. Any electronic communication between attorneys and clients shall be secure and free from monitoring.

- VI. The following procedures apply regarding digital and electronic monitoring devices:
  - a. Officers wearing body-worn cameras or using audio recording devices must deactivate them during privileged attorney-client interactions.
  - b. Interrogation rooms equipped with recording devices must have a privileged communication exception, ensuring legal discussions remain private.
- VII. The following procedures apply during search and seizures:
  - a. Legal documents, case notes, or electronic records in an attorney's possession may not be searched, read, or seized without a valid court order specifically authorizing such action.
  - b. If legal documents, case notes, or electronic records in an attorney's possession are seized under exceptional circumstances, an independent review must be conducted to determine privilege before there is law enforcement access.
- VIII. If there is a violation of these procedures and policy, the officer must report the action immediately to the District Attorney or designee and must complete the Attorney General's Office 'Privileged Communication Record' as appropriate.
- IX. In cases where a credible security threat exists, the officer may temporarily delay privileged communication but must seek immediate supervisory approval and provide documentation for this request. Any delay in the communication must be as minimal as possible.