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INFORMATION ON REQUESTS FOR TELEPHONE CALLS AND ATTORNEY VISITS DURING THE DNC

If you are detained, arrested or imprisoned during the Democratic National Convention, Colorado law provides that you have the right to make a "reasonable number of phone calls" to your attorney and family, and that you have the right to meet with an attorney who is able and willing to meet with you, alone and in private, at any "place of custody."

Below are relevant portions of the laws that protect these rights:

Colorado Revised Statutes ("C.R.S.") § 16-3-402. Right to communicate with attorney and family.

(1) Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or by communicating in any other reasonable manner. Such communication shall be permitted at the earliest possible time after arrival at the police station, sheriff's office, jail, or other like confinement facility to which such person is first taken after arrest.

(2) If the accused is transferred to a new place of custody, his right to communicate with an attorney and a member of his family is renewed.

C.R.S. § 16-3-403. Right to consult with attorney.

Any person committed, imprisoned, or arrested for any cause, whether or not such person is charged with an offense, shall be allowed to consult with an attorney-at-law of this state whom such person desires to see or consult, alone and in private at the place of custody, as many times and for such period each time as is reasonable.

C.R.S. § 16-3-404. Duty of officers to admit attorney.

(1) All peace officers or persons having in custody any person committed, imprisoned, or arrested for any alleged cause shall forthwith admit any attorney-at-law in this state, upon the demand of the prisoner or of a friend, relative, spouse, or attorney of the prisoner, to see and consult the person so imprisoned, alone and in private, at the jail or other place of custody, if such person so imprisoned expressly consents to see or to consult with the attorney.

(2) Any peace officer or person violating the duty imposed by this section or section 16-3-403 shall forfeit and pay not less than one hundred dollars nor more than one thousand dollars to the person imprisoned or to his attorney for the benefit of the person imprisoned, to be recovered in any court of competent jurisdiction.

Attached to this letter are two forms that protect your right to make a reasonable number of telephone calls and to have a confidential visit with an attorney willing and able to meet with you at your place of custody:

□ Form A, "Request to Consult with an Attorney," is a request to meet with any attorney that comes to your place of custody to meet with you, including attorneys sent by the ACLU Foundation of Colorado or the People's Law Project of the National Lawyers Guild. This form records in writing your request to meet with an attorney, which is especially important if you are prevented from making a phone call after your arrest or if law enforcement officers refuse to tell you that an attorney is present at your place of custody asking to meet with you. Form A should be returned to the People's Law Project.

□ Form B, "Request to Make Telephone Calls and Express Consent to See or to Consult with an Attorney," is a written request to give to officers if you are taken to a processing or detention center. Form B records in writing your express consent to see or to consult with any attorney who comes to your place of custody to meet with you, your request to make telephone calls, and your request to have bail set immediately if it has not already been set. If detention officers refuse to permit you to meet with an attorney who comes to your place of custody and demands to meet with you, you may be entitled to a statutory penalty of \$100 to \$1000. If an attorney is present to meet with you and you are denied a visit with that attorney, write down or remember the name of the officer who refused to allow you to visit with the attorney. Form B should be kept on your person at all times and given to the booking officer at the processing or detention center.

Print first
name initial

FORM A
Request to Consult with an Attorney

Instructions: Fill out, sign and date this form and return to the People's Law Project as follows:

- (1) Deliver by hand to The People's Law Project Offices, 1280 Sherman Street, Suite 206, Denver, Colorado, or;
- (2) Give to a PLP Legal Observer or PLP volunteer during any legal observer or know your rights training, or on the streets, who will return it to the PLP offices.

I. Terms:

I understand that the term "consultation" means a confidential meeting between an attorney and myself for the purpose of requesting legal advice. I understand the term "legal representation" means an agreement between an attorney and myself that the attorney will represent me as my lawyer in a criminal or civil legal action. I understand that a consultation is not an agreement of legal representation.

II. Request to Consult with an Attorney:

If I am detained, arrested or imprisoned in the City and County of Denver during August 24th to August 29th, 2008, I hereby request to see or to consult, alone and in private, with any attorney who arrives at my place of custody and demands to meet with me including, but not limited to, attorneys sent by the People's Law Project of the National Lawyer's Guild ("NLG"), the ACLU Foundation of Colorado ("ACLU"), or by my friends, relatives, or spouse.

I understand that while I request that attorney(s) from the NLG and the ACLU come to speak with me at my place of custody if attorneys are available and willing, my request is not a guarantee or promise that attorneys from the NLG or the ACLU will be able to meet with me. I also understand that this request is strictly limited to the purpose of consenting to a confidential attorney-client consultation at my place of custody, and that it is not a promise or agreement of legal representation. I understand that if attorneys from the NLG or ACLU are able and willing to visit with me, this visit will be for the purposes of a consultation only, and that a consultation is not a promise or agreement of legal representation in this or any other matter. Likewise, I understand that if an attorney comes to my place of custody and I am permitted to meet with that attorney in private, I am under no obligation to retain that attorney for legal representation, and that I may terminate the meeting at any time that I choose.

Print last name in boxes

Name (print): _____

Address: _____

City: _____ State: _____ Zip: _____

Signature: _____ Date: ____/____/____

Instructions: Fill out, sign and date this form in advance. Keep on your person at all times, and consider giving a copy to a friend who will always know where you are. If arrested and taken to a processing or detention center, give this form to the booking officer, or tell that officer where to locate this form on your person or property and to place it in your arrest file.

FORM B

**REQUEST TO MAKE TELEPHONE CALLS AND
EXPRESS CONSENT TO SEE OR TO CONSULT WITH ATTORNEY**

Pursuant to C.R.S. § 16-3-402(1), I am hereby requesting an opportunity to communicate with an attorney and with my family by making a reasonable number of telephone calls at the earliest possible time. Pursuant to C.R.S. § 16-3-403(2), I also hereby request an opportunity to make a reasonable number of telephone calls at the earliest possible time after each and every time I am transferred to a new place of custody.

Pursuant to C.R.S. §§ 16-3-403 & 404, I am hereby requesting the right to see or to consult, alone and in private, with any attorney who is present at my place of custody and demands to meet with me. I hereby give my express consent to see or to consult with any attorney who appears at my place of custody and demands to meet with me, including any attorney affiliated with the National Lawyer’s Guild, the People’s Law Project, the ACLU Foundation of Colorado, or any other attorney demanding to see me sent by a friend, relative or spouse. If my right to see or to consult with an attorney who arrives at my place of custody is violated, I understand that I may be entitled to a statutory penalty of \$100 to \$1000 from any officer or person violating the duty imposed by C.R.S. §§ 16-3-403 or 16-4-404.

Pursuant to C.R.S. § 16-4-102 and Colorado Rule of Criminal Procedure 5, if bail is going to be required for my release and the amount of bail has not yet been set, I request that you notify a judicial officer immediately that I request to be brought before a court for the purpose of setting bail.

I request that this form be attached to my arrest paperwork.

Name (print): _____

Signature: _____ Date: ____/____/____