

HOW TO PROTECT YOUR RIGHTS FROM GOVERNMENT AGENCIES: A CASE STUDY

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LAW ENFORCEMENT AGENCIES:

- Police officers
- Federal agents (FBI, ICE, ATFE, DEA, IRS and others)
- Regulatory agencies (SEC, CFTC, FTC, FDA and others)
- Inspectors general

CONSEQUENCES?

- Fines
- Jail
- Collateral consequences
 - Debarment
 - Deportation

FIBS POLICE OFFICERS AND AGENTS TELL

The U.S. Supreme Court says that law enforcement agents are permitted to lie to you.

(Frazier v. Cupp, 394 U.S. 731 (1969))

FIBS POLICE OFFICERS AND AGENTS TELL

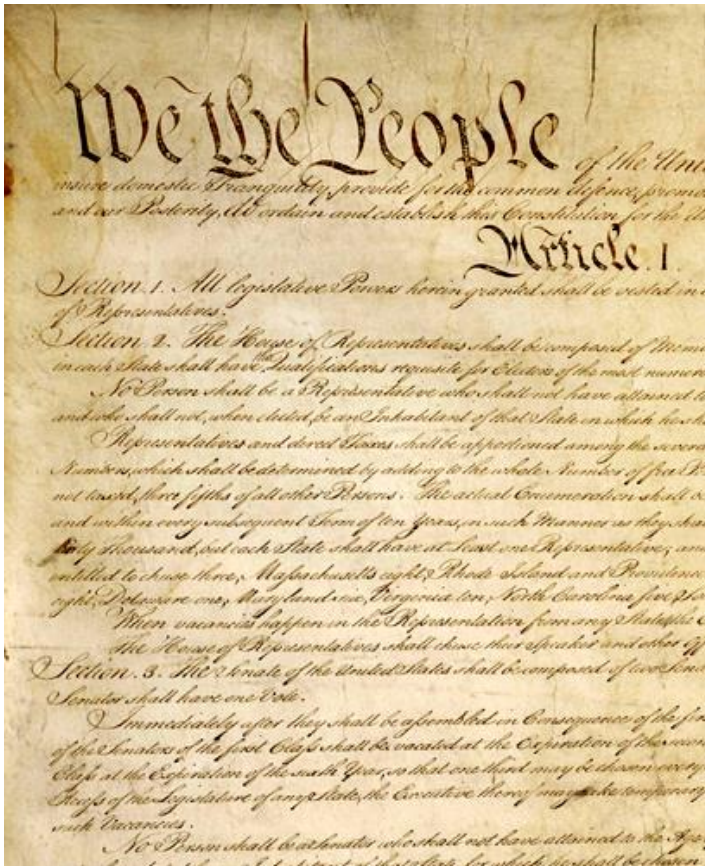
- **“We are just here to help you.”**
- **“This will be easier if we don’t get the lawyers involved.”**
- **“We already know what happened; We just need you to confirm it for us.”**

WHAT IS YOUR GREATEST PROTECTION?

- KNOW HOW
THEY
OPERATE
- KNOW YOUR
RIGHTS



RIGHTS ARISING UNDER THE UNITED STATES CONSTITUTION



- Fourth Amendment (right to be free of unreasonable searches and seizures)
- Fifth Amendment (right against self-incrimination (right to remain silent))
- Sixth Amendment (right to counsel)

DO I HAVE TO LET POLICE OR AGENTS SEARCH MY HOME/OFFICE/AUTOMOBILE?

NO

unless the police/agents have a search warrant.



**DO I HAVE
TO SPEAK
WITH
THE POLICE
OR AGENTS?**

NO

even if they
have a search
warrant.



SO WHAT SHOULD I SAY WHEN THE POLICE OR AGENTS SHOW UP?

“I am represented by counsel.”

“I am represented by counsel.”

“I am represented by counsel.”

“I am represented by counsel.”

“I am represented by counsel.”

“I am represented by counsel.”

WHAT IS THE DANGER HERE?

- You may not know what the FBI or police are investigating.
- You may make a statement that the FBI or police believe to be false.



SPECIAL CONSIDERATIONS FOR BUSINESS AND PROFESSIONALS

- Contact/hire competent criminal defense counsel ASAP.
- Make sure all employees and contractors are aware of the investigation and the need to refrain from making any statements if contacted.
 - All should be instructed to refer all inquiries to counsel.
- Take steps necessary to ensure that no records are altered, discarded, or destroyed.
 - This includes both hard-copy and digital records.
- Consult with counsel about what disclosures may be required to regulators and/or the public about the existence of the investigation.

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