

PUBLISHED WHITE PAPERS

What To Do When The Government Comes Calling

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About The Author:

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It's Monday morning. Suddenly, a government agent is knocking on the front door of your business. Not exactly the type of visitor you want to welcome with open arms before your first cup of coffee.

What should you do if an FBI agent, someone from the US Attorney's Office, a police detective or a police officer arrives at your business, walks in and demands to see you?

After your silent pleas to your deity, ask some questions and call your lawyer. Here's what you need to know.

If the agents come to your door and just want to talk to you, believe it or not, you should first of all be thankful. That means there's an opportunity to respond to the government before anything else happens.

Don't talk to the agents except to be polite, identify them, share the name of your attorney and let them know that you'll be happy to talk to them after you talk to your attorney.

Most agents are trained to be polite and charming. They will often try and convince you that you can clear up everything in a quick, 10-minute conversation. Many times such agents, especially IRS agents, work in teams and have pre-planned the information that they want from you. They've had a chance to plan. Likewise, you should also have a chance to plan your response. If it's true that a 10-minute conversation can change things, then it will also be equally true when you have your attorney by your side when you speak with them.

When the government takes the effort to send agents to your door, there's a reason, and that reason is based on an investigation that's already underway to one extent or another.

You, through your attorney, will want to take the opportunity to be responsive, and if possible try to mold and shape the investigation to limit any potential for harm.

Work with your attorney immediately to determine if there's a way to respond effectively and in a manner that responds to the investigators that will be both helpful and persuasive. Your attorney is well-suited to guide you in formulating that response. Also, if there's something that needs to be protected or defended, then your attorney will be your best resource for that defense. In either circumstance, your attorney will be there to help.

Silence Is Golden — Don't Be Trapped Into Making Statements

Silence is your best tool. If there is a problematic issue trying to cover it up is your worst possible choice. Your attorney will want you to gather, preserve and collect documents so that none are destroyed — either deliberately or inadvertently.

Common mistakes to avoid:

- Don't try to cover-up anything
- Don't plan what to say with any other witnesses
- Don't destroy documents
- Don't make the investigator's job easy

If a government agent shows up with a subpoena, he will officially serve you. Then, you'll have time to respond. If the agent shows up with a search warrant, there likely will be little time to call an attorney or do anything other than comply. If faced with a warrant, ask to see the warrant and ask for a copy of the warrant as well as any affidavit or other supporting information that established the need for the warrant.

The agent likely will not wait for you to get an attorney before conducting a search, so don't try to stop them. The warrant, however, should state exactly where the agent can look and what he can look for — it doesn't entitle the agent to look anywhere else or for anything else.

Read the warrant carefully and either assign an employee, or be present, during the search. Watch what the agent is doing, what he or she is looking for and where the agent is looking. In this age of sophisticated cell phones, you may even want to take video of the search — so long as you don't get in the way of the agents or impede their search in any way.

If you only remember one thing from this article, remember this: don't talk; just observe. The agent may continue to try to engage you in conversation — this is a tactic. Consider any contact with a government agent as an official, or formal, contact. It's all on the record.

An encounter with any government agent is nerve-racking at best. Get in the mindset that this experience won't be quick or easy. Even if the agent seems friendly, know that he's come with a plan and a purpose. Be careful, truthful, direct and deliberate when responding to the agent. 🌀

If you have specific questions about an ongoing investigation or how to handle inquiries from any agent, FBI, US Attorney's Office, detective or a police officer, contact Dave at dedavidson@strausstroy.com or 513-768-9709.