

## RESPONDING TO A SEARCH WARRANT

Government investigations take many forms, and government agents may seek information in many ways. Although the checklist on the following pages focuses on responding to a search warrant, it is important to recognize what investigatory method the government is employing, so you will know how to appropriately respond. The following are common methods used by agents to gather information:

### REQUESTS TO SEARCH

Requests to search, or for interviews, are voluntary -- although requests by agents may not seem voluntary at the time. Agents are not required to tell you that you can refuse their request. If you are asked to submit to an interview, or a search, take the agent's name and number, and tell him or her that your counsel will contact them. Never consent to a voluntary interview or search without consulting legal counsel.

### SUBPOENAS

Subpoenas compel testimony or documents. Subpoenas may be issued by many different branches of the government, and even lawyers in private lawsuits. Subpoenas are mandatory, but do not require immediate compliance. Consult legal counsel prior to responding.

### SEARCH WARRANTS

Search warrants require immediate and mandatory compliance. Agents must provide you with a copy of the warrant. If agents present a warrant, they are entitled to conduct a search within the scope of the warrant.

Search warrants must be issued by a judge. The Fourth Amendment requires that a judge issue a search warrant only after investigators have presented sufficient evidence. The warrant must describe the place to be searched, and the items to be seized, with particularity. However, you will not be aware that a warrant has issued until agents arrive at your door, warrant in hand, ready to conduct a search.

If agents arrive with a warrant:

- Do not prevent agents from conducting a search.
- Do not obstruct the search.
- Do not destroy any documents or information.
- Do not make false statements.
- ***Do not volunteer any information.***
- Follow the Search Warrant Checklist on the following pages...

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MIRICK O'CONNELL

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