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Knowing Your Rights and Obligations When Interviewing with Investigators

Labor & Employment Practice Group

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Having a law enforcement officer or government investigator show up at your workplace to conduct interviews is an unnerving experience to say the least. However, should this happen, there are some rights you should be aware of before you are interviewed. Law enforcement officers or investigators may approach you to ask questions while at the office or even at your home after working hours. While being approached by a government investigator is intimidating, you have a number of important rights in connection with any such interview:

- It is your choice whether you engage in an interview or not. You have no obligation to participate in an interview, but you may do so if you wish. You can and should ask questions about the subject matter of the interview so that you can make an intelligent decision about whether you wish to engage in it or not.
- If you choose to engage in an interview, the most important thing is to tell the truth. Making false statements to law enforcement officers can constitute a felony in some circumstances.
- If you are contacted outside of office hours, you should notify your direct supervisor or your company's legal counsel. Contacting those individuals can help to protect your rights and the rights of the company.
- Government investigators have no authority to make "deals" or offer any leniency to anyone. It is improper for a government investigator to make promises or resort to threats, direct or implied, in order to convince you to submit to an interview.
- You have the right to consult with the company's counsel or your own private counsel prior to deciding whether to submit to an interview. Such consultation may assist you and the company in understanding the nature of the investigation, the potential risks and issues, and to ensure that your rights are protected.
- You have the right to request that the company's counsel or your own private attorney attend the interview.
- You have the right to request that the interview be conducted at a specific place and time. Just because the investigator approaches you at home does not mean that you have to submit to an interview there.
- If you choose to submit to an interview, you should be aware of all of the following:
 - ♦ Again, make sure you tell the truth.
 - ♦ You should limit your statements to those facts of which you have personal knowledge. Statements based on hearsay, second hand information, assumptions or other guesswork should be avoided.
 - ♦ After the interview begins, you have the right to stop the interview at any time.
 - ♦ You may take notes during the interview.
 - ♦ Statements made to government investigators can and often will be used as evidence against you and/or the company in future proceedings.

- ◆ You should not assume that the interview is confidential or “off-the-record.” Typically, any information discussed or disclosed in an interview will be subject to subsequent disclosure.
- ◆ The interview may be recorded by the investigator. If it is, you should request a copy of the recording.

Crowe & Dunlevy’s White Collar, Compliance & Investigations attorneys are well versed in handling these situations, responding to the investigation and getting control of information at the early critical stages. They can be part of the team that responds to the investigation, but are also happy to participate in training and informational presentations on these issues before the worst case scenario materializes.

If you have any questions about government investigations or would like more information about available training, please contact a member of the Labor & Employment practice group or White Collar, Compliance & Investigations practice group member [Thomas Snyder](#) at 405.234.3254.

About Crowe & Dunlevy

For more than 110 years, Crowe & Dunlevy has provided innovative and effective legal services to clients in numerous industries. The firm’s attorneys are regularly ranked among the top lawyers in the nation by recognized peer-review organizations.

The firm’s labor and employment attorneys are involved in a number of networks and professional resource groups, including the Employment Law Alliance, the most comprehensive network of labor and employment attorneys in the world. Our membership provides access to employment, labor, and immigration expertise in more than 135 countries around the globe and throughout the United States.

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