



MEMBER RESOURCE - When An Investigator is at Your Door

Consider this scenario: You're in your office with a patient, and there's a knock at the door. Surprise! It's investigators with a warrant to search and seize your files and documents. What do you do?

With properly trained staff, you can neutralize the element of surprise. AANEM recommends you follow the following steps should this situation ever arise:

1. Call your attorney immediately. Ask if the search can be delayed until he/she arrives. DO NOT allow investigators to persuade you from not contacting your attorney.
2. Obtain a copy of the warrant as well as the affidavit in support of it. Also, make sure the investigator makes a written inventory of seized items while those items are still in your possession.
3. Request employees not be interviewed without an attorney present.
4. Assign ONE person to be the spokesperson, that way there is not any contradictory statements that can be used against you at a later time.
5. Meet with your staff right away and let them know what is going on and what is expected of them.
6. Staff that is not needed should be sent home and advised not to speak with anyone without an attorney present.
7. Have a staff member familiar with each area searched develop a written inventory of what is taken. These lists should be as detailed as possible.

8. Ask to have staff make photocopies of all documents being taken. If denied, note the time and date and the name of the investigator who denied the request as well as the names of documents that were denied.
9. Do not try to hide or destroy any documents from seizure, you could be charged with obstruction.
10. Meet with any staff that were questioned by investigators and document the conversation.
11. Make a written or taped record of everything the investigator may have said to you.
12. If possible, try to video record the entire search process, and photograph items removed. This may be helpful during a suppression of evidence hearing where concerns about privacy violations or seizures outside the scope of the warrant occur. These should be viewed by the judge involved in the case.
13. Make a list of essentials needed to continue with your business (computers, software etc.) and ask your attorney to get these items released.
14. Document any items seized that were not described within the warrant or affidavit.
15. Create a backup disk of all software before it is removed from the office. If investigators refuse to allow you to do this, document as described in step 8.
16. Stay calm and professional throughout the entire process, and do not answer any questions or speak with investigators without your attorney.
17. Direct all inquiries from the press to your attorney.
18. Provide your attorney with all notes, photocopies, and other information you have collected during the seizure process.