

5 REASONS WHY DEALING “ONE-ON-ONE” WITH A GOVERNMENT INVESTIGATOR IS TO BE AVOIDED

1. They have no obligation to tell you the truth. Over and over, state and federal courts have upheld the right of law enforcement officials to misinform and mislead subjects of their investigations, in essence to “trick” them, into providing information that can later be used to place them in serious legal jeopardy.
2. They have no incentive to tell you the truth. Aside from this legally recognized right to engage in deception, government investigators almost invariably see themselves as soldiers, e.g., in the “war on drugs,” the “war on terror,” the “culture war,” etc. And as we know, “all’s fair in love and war.”
3. Because they are “fighting a war,” strategy often dictates that they not tell you the truth. If “the truth” means “the whole truth,” you can almost be guaranteed that government investigators will never reveal to someone they’ve contacted in connection with an investigation “the truth,” as they “know” it. They will, however, *insist* on “the whole truth” from you, creating an obvious, and highly dangerous, imbalance of knowledge, and therefore of power.
4. You have the right to remain silent, and the right to be legally represented, whether or not you are a target of an investigation, and whether or not you are in custody. Again, because they are acting as soldiers, fighting in “wars,” government investigators will routinely discourage you from “lawyering up.” Further, unless they have taken a subject into custody (rare in the beginning stages of an investigation), and unless they are “interrogating” that subject, they have no legal obligation to inform him or her of the now famous, and so-called, “Miranda warnings.”
5. Anything you say will, indeed, be later used against you, whether in a court of law or in quasi-criminal administrative proceedings. Even if obtained without the benefit of Miranda warnings, statements given to law enforcement authorities can be admitted in evidence in order to impeach, or rebut, testimony that the subject may later offer in court. Law enforcement knows this, and will often decide whether or not to “Mirandize” a subject based upon how badly needed is the information being sought.

The take-home lesson? If you are contacted, or asked to provide an interview, by an agent of the government in connection with *any* type of investigation, insist upon the right to be represented by counsel. One need not be “guilty” in order to be at risk of being implicated in criminal or other proceedings adverse to one’s interest, and *no inference* of wrongdoing can be drawn from an insistence upon representation, regardless of anything the agent may say to the contrary.

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