

## What to Do if Approached by Law Enforcement

The information in this document pertains to interactions between criminal law enforcement and health care providers. It might not apply to administrative inspections conducted by state licensing officials or other members of the state's medical regulatory authorities. Depending on your state's laws, you may be required to allow officials from these state agencies access to your place of employment or provide them with information.



### Do I have to answer questions from law enforcement?

- No. You have a constitutional right to remain silent. You cannot be punished for refusing to answer questions. It is a good idea to talk to a lawyer before agreeing to answer any questions posed by any law enforcement official or agency.
- If you've already spoken to law enforcement, you can still refuse to answer other questions regarding your patient until you have a lawyer.
- If you do speak to law enforcement, anything you say could be used in a criminal, civil, or administrative proceeding against you or potentially someone else, like a patient.

### If law enforcement reaches out to me, how do I get a lawyer?

- If you are approached by law enforcement and believe the government may be criminally investigating abortion or other reproductive care, contact the ACLU's Abortion Criminal Defense Initiative to help you obtain criminal defense representation to navigate these encounters.
- If you are approached by other government officials and have questions concerning licensing or regulatory compliance related to abortion care and patients or your rights, contact the Abortion Defense Network to speak with a civil attorney.

### What should I tell law enforcement if I do not want to answer their questions?

- You can respond: "I want to speak to my attorney before answering any questions" or "I will not be answering any questions without speaking to my attorney."
- Ask for the name, agency, and telephone number of any law enforcement officer who stops or visits you and give that information to your lawyer.
- Refrain from speaking to or communicating with (including texting, emailing, or messaging on social media) anyone else about the matter, as statements you make to anyone who is not your attorney could be used against you.

### Do I have to allow law enforcement entry into my medical workplace?

- Law enforcement can enter any part of the premises that is open to the public. In a doctor's office or clinic, this area would typically be the waiting room. Unless law enforcement has a search warrant, or an exception to the warrant requirement applies (for example, if you or a member of your staff give consent), they cannot lawfully enter any place that is not public.
- If law enforcement asks for your consent to enter other areas of your workplace, you have the right to say no. Though law enforcement might enter anyway, even if you refuse to provide consent, objecting before or during any entry or search can help to preserve your rights in later legal proceedings.

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**What if law enforcement asks me to provide or show them documents, video, or electronic records?**

- You do not have to provide or show law enforcement anything they ask for without a court order. And keep in mind, turning over patient records without a court order may also be a violation of HIPAA and/or state privacy laws.
- If law enforcement has a search warrant, they can enter the premises without your permission and look for the items identified in the warrant. Even if you believe the search may be unlawful, do not interfere. Ask for a copy of the warrant and contact your attorney.
- You do not, however, have to assist with the search. For example, you do not have to tell or show the officers where anything is located or open any locked areas or cabinets. You still have a right not to say anything that could be used against you in a criminal case — even if there is a valid search warrant.

**What if I receive a subpoena to produce documents or testify about reproductive health services?**

- If you receive a subpoena, you should contact your lawyer right away. Although the subpoena may direct you to either turn over documents or appear in court or before a grand jury to testify, your attorney may be able to quash the subpoena or limit its scope.
- Even if you are ultimately required to produce documents or testify, you may be able to assert your right against self-incrimination or assert that certain documents or answers to questions are protected as privileged. Your attorney can assert your rights, work on your behalf to protect your interests, and assure that you appropriately protect patient information.

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## **Additional Resources**

If you need more information, contact the  
**ACLU's Abortion Criminal Defense Initiative:**  
[aclu.org/acdi](https://aclu.org/acdi)

**Abortion Defense Network:**  
[abortiondefensenetwork.org](https://abortiondefensenetwork.org)