

INFORMATION FOR CRIME VICTIMS REGARDING CONTACT WITH A DEFENSE INVESTIGATOR

If you are the victim of a crime, you may be contacted by a defense attorney or investigator. The defense may contact you to independently investigate the crime and to prepare a defense for the accused.

When crime happens, the police conduct an investigation, prepare a written report, and send the report to the prosecutor's office. When charges are filed with the court, the defendant may plead not guilty and retain a criminal defense attorney. The prosecutor will send a copy of the police report to the defense attorney.

The defense attorney may wish to conduct further, independent investigation. The defense may contact crime victims and witnesses.¹ A defense investigator works for the person accused of the crime. The defense investigator seeks to ensure that the police investigation is complete and accurate. The defense also will use information from an interview to help the defendant have the charges dismissed or reduced, or to receive a lighter sentence. The defense, like the police, may electronically record conversations without your knowledge or consent.

A crime victim has the right to choose whether or not to have contact with a defense investigator. A crime victim has the right to have a prosecutor or other person present for any contacts. If an interview is electronically recorded, the crime victim may request, and the defense investigator must furnish, a copy of any electronic recordings and any transcripts prepared of the contacts.

If the defense investigator contacts the victim of a crime involving domestic violence or sexual assault, the defense investigator must first advise the crime victim that the investigator works for the criminal defendant, that the victim may choose whether to have contact with the defense, and that the victim may have a prosecutor or other person present during any interviews. For other types of crimes, the crime victim may not know they are speaking with a defense investigator. The investigators are

¹ A parent or guardian (who is not the criminal defendant) must give prior oral or written permission before the defense interviews a minor who is a victim or witness of a sexual offense.

not required to identify themselves. And defense investigators, like police investigators, may legally use deception to obtain information.

A crime victim who wants no contact with a defense investigator must notify the defense investigator orally or in writing. The effect of this notice depends on the type of crime committed. If you are a victim of a sexual offense, then the defense investigator will not attempt further contact with you unless you initiate the contact. If you are not a victim of a crime that is a sexual offense, the defense may continue to contact you.