

Avoiding INTERPOL Involvement with an Early and Thorough Criminal Defense Investigation

By Michelle A. Estlund on March 12, 2012

One of the very few moments that a criminal defendant has control over a criminal matter is when he first becomes aware of the criminal allegations. If a defendant's attorney acts quickly enough, information discovered during an investigation can prevent charges from ever being filed. If they are filed, the information that was gathered during the investigation can make a defense infinitely stronger.

Before criminal charges are ever filed and referred to INTERPOL for aid in apprehending a subject via a Red Notice, the subject often has at least some advance notice that the charges are looming. The matter may never lead to criminal charges if the attorney takes early and swift action such as:

- Preserving audio and video surveillance records
- Reviewing and preserving telephonic text messages, e-mails, Facebook posts, etc.
- Arranging for toxicology examinations and obtaining test results
- Creating a paper trail showing travel locations: atm receipts, credit card receipts, etc.
- Taking photographs or printing existing photographs showing pertinent information

If the attorney conducts a thorough investigation immediately upon learning that charges may be filed, the investigation is much more likely to bear fruit than if she takes a "wait and see" approach. By the time the charges are filed, much of the evidence will be unavailable.

Even where the investigation does not prevent charges from being filed, the information found in the investigation may be useful in an INTERPOL challenge. For example, if the investigation revealed that the laws of the requesting member country were not followed during the police investigation or the filing of the criminal charges, that information might be relevant to an INTERPOL request for relief.

As always, thoughts and comments are welcome.