

# HIRING A PRIVATE INVESTIGATOR:

## *What attorneys should know?*

### 1. PRIVATE INVESTIGATOR LICENSE

Since licensing of private investigators is not required in all state, attorneys don't want to reply merely on the title as a final qualification. A few states have no requirements for private investigators and anybody can use the title of private investigator. The majority of states have specific requirements and licensing boards governing the profession of private investigators.

#### *National Overview*

The licensing of private investigators is governed by each state. As of 2012, 43 states provide laws for statewide licensing and regulation of private investigators. Three states (Alabama, Alaska & Rhode Island) do not have statewide private investigator licensing; however, local jurisdictions may regulate licensing of private investigators. Four states do not require licensing of investigators and they are:

- Mississippi<sup>1</sup>,
- South Dakota<sup>2</sup>,
- Idaho<sup>3</sup>, and
- Wyoming<sup>4</sup>.

Recently, the Colorado Governor signed HB 1195 regarding the statewide regulation of private investigators. The state of Colorado will implement private investigator licensing under the Department of Regulatory Agencies, effective July of 2012.<sup>5</sup>



To locate the licensing requirements for each state, please visit the following link:

[http://investigator-resources.com/Private\\_Investigator\\_License\\_Requirements.aspx#District\\_Columbia](http://investigator-resources.com/Private_Investigator_License_Requirements.aspx#District_Columbia)

#### *Louisiana Private Investigator Law*

Since 1993, Louisiana private investigators must be licensed by the Louisiana State Board of Private Investigator Examiners (LSBPIE). Licensing contributes to the safety, health, and welfare of the people of Louisiana by requiring qualifying criteria in a professional field in which unqualified individuals may injure the public. (R.S. 37:3501)

The Louisiana "Private Investigator Law" requires that private investigators must meet certain qualifications, pass a criminal background check, take a 40 hour training course, and pass the state exam. (R.S. 37:3507 and 37:3507.1)

A private investigator licensed in another state which has licensing requirements comparable to Louisiana, meets the requirements of the "Private Investigator Law" may be exempt from examination with approval of the Board. (R.S. 37:3518 & P.I. Rules & Regulations § 511)

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<sup>1</sup> <http://billstatus.ls.state.ms.us> 02/28/2012

<sup>2</sup> <http://legis.state.sd.us> 02/28/2012

<sup>3</sup> <http://legislature.idaho.gov/index.htm> 02/28/2012

<sup>4</sup> <http://legisweb.state.wy.us> and <http://attorneygeneral.state.wy.us/dci/pifaq.html> - Wyoming Attorney General website states that statewide licensing is not required; however, some municipalities may require licensing of private investigators. 02/18/2012

<sup>5</sup> Colorado Legislative website 02/28/2012

Each year private investigators must renew their license with LSBPIE. Every two years private investigators must obtain eight (8) hours of continuing education.<sup>6</sup> If a private investigator fails to renew their license, the investigator cannot conduct investigations until his license is reinstated. Attorneys can visit the LSBPIE official website at [www.LSBPIE.com](http://www.LSBPIE.com) to verify the current license of a private investigator in Louisiana.

*a. Attorney & Private Investigator Exemption*

An attorney licensed to practice law in this state and a private investigator who is employed by a law firm and only works for that law firm is not required to be licensed. The attorney and private investigator must have an employer | employee relationship. The private investigator cannot conduct investigations outside of the law firm for the general public. (R.S.37:3503 (8)(b)(iv))

*b. Types of Private Investigator Licenses*

Attorneys prefer to use an experienced licensed private investigator if the need arose, but is the private investigator appropriately licensed? In Louisiana, there are four distinctions in licensing of private investigators. The four types of private investigators licenses are: agency, individual, apprentice, and journeyman.

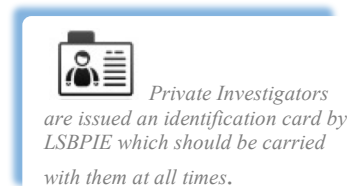
*i. Agency*

An **agency** license can be issued to an individual who has at least three years experience within the last ten years either working as a private investigator or in an investigative agency and satisfies all other requirements for licensing. A licensed private investigator agency can hire individual, apprentice and journeyman private investigators. An agency is the only licensed private investigator that can work directly for the general public. (R.S. 37:3507.2(A)(1)(a))

*ii. Individual*

An **individual** licensed private investigator that meets all the qualifications for licensing under the “Private Investigator Law” and is employed by a licensed private investigative agency can be issued an individual license under the sponsorship of an agency. (R.S. 37:3507.2(c)) An individual licensure can hold multiple licenses under several agencies meaning that the investigator can work for more than one private investigative agency. (R.S. 37:3507.2(A)(2))

An individual license holder cannot conduct work directly for the general public including individuals, attorneys, or businesses.



*iii. Apprentice*

An **apprentice** private investigator is an individual just entering the private investigator industry and must work under the direct supervision of a private investigative agency. The sponsoring agency is directly responsible for educating and training the apprentice. Within one year of being issued an apprentice license, the private investigator can obtain an individual license under the agency upon completion of the 40 hour training course and successful completion of the state examination. (R.S. 37:3507.2(A)(3))

An apprentice private investigator cannot conduct work directly for the general public including individuals, attorneys, or businesses

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<sup>6</sup> Louisiana Administrative Code Title 46 § 518.

*iv. Journeyman*

A ***journeyman*** is an individual licensed to provide contract private investigator services to a licensed private investigative agency only. A journeyman licensure is not licensed under a particular agency. A journeyman cannot conduct investigations directly for the general public, private businesses or governmental agencies. (*La. Admin Code tit. 46 § 510 and R.S. 37:3507.2(A)(4)*)

**Only a licensed private investigative agency** can solicit work directly from the general public, private businesses, and governmental agencies. A prudent attorney should verify the license type with LSBPIE. (*R.S. 37:3507.2(B)*)

*c. Out of State Private Investigators (The “Nationwide” Investigator)*

Many private investigative firms allege to be “nationwide” investigators. However, licensing of private investigators is governed by each state and there is no “nationwide” license that would permit investigators to conduct investigations in all 50 states. Private investigators can only conduct investigations in each state in which they are licensed.

Attorneys are subject to similar requirements of practice. Attorneys are limited to practicing law in the state in which they were admitted to the bar. Attorneys can seek admission to the bar in other states which allows them to practice law in those states. Out of state attorneys are eligible for admission in Louisiana under *pro hac vice* if the out of state attorney acts in association with an attorney duly licensed to practice law by the Louisiana Supreme Court. (*Louisiana Supreme Court Rules XVII. Admission to the bar of the state of Louisiana Bar, Section 13. Pro hac vice Admission*)

After large natural disasters like hurricanes or environmental disasters like the B.P. oil spill, out of state investigators flock to the state of Louisiana to seek work. Many of these out of state investigators do not follow the Louisiana laws in terms of licensing regulations and they are operating illegally for large companies. After the B.P. oil spill, LSBPIE was on top of license verification and preventing these out of state private investigators from operating illegally. Attorneys and companies should not assume that simply because a private investigator is licensed in another state that he can conduct investigations in Louisiana. The private investigator’s credentials should be verified with the LSBPIE.

*i. Can out of state investigators legally work in Louisiana?*

Yes and No. Yes, if the private investigator is licensed in Louisiana through LSBPIE, then the out of state investigator can conduct investigations in this state. No, if the private investigator is licensed in another state and does not hold a Louisiana private investigative license, then the out of state investigator cannot work in Louisiana. This out of state investigator is operating illegally and should be reported to the LSBPIE Board.

*ii. Reciprocity*

Louisiana holds some reciprocity agreements with a few states which allow out of state private investigators to conduct investigations in Louisiana under special conditions. (*R.S. 37:3518(B)*) However, the authority of an out of state investigator to operate in Louisiana should be verified with LSBPIE. If you are not licensed in Louisiana or operating under special authority of reciprocity, the investigator is considered to be operating as an unlicensed private investigator which is a violation of the law. (*R.S. 37:3520*)