



Alabama Private Investigators Association

The APIA consists of over one quarter of the State of Alabama's approximately 503 licensed investigators. It was the founders of the APIA that fought for professional licensing for private investigators. This association is codified in Chapter 25B – Alabama Private Investigations Regulatory Act. Section 34-25B-4 defining the composition of the Board includes one appointment to be Board by the Alabama Private Investigators Association.

The APIA continues its interest in the Regulatory Act by offering these recommendations to further the protection of consumers of these services, as well as all citizens of the State of Alabama. Being ever conscious to not inhibit or restrain trade, our proposals will in fact enhance trade for all investigators, foreign and domestic, by establishing accountability and insuring that all licensed investigators, individuals and companies, are subject to equal oversight and regulation by the APIB, the Secretary of State and the Alabama Department of Revenue.

Currently, licensing in Alabama requires only a clean criminal record and passing a test. The primer for the test is "The Complete Idiots Guide to Private Investigation". Preparation to sit for the test consists of reading that book and being familiar with Chapter 25 - Alabama Private Investigations Regulatory Act. There are NO requisite requirements relating to experience or education. There is no apprentice or intern license that would allow training or educational period for new entrants into the business. There is NO insurance requirement. There is NO agency license requirement that would regulate companies or agencies, either foreign or domestic, that operate within the State of Alabama. Foreign entities are not subject to the jurisdiction of the Alabama courts or the APIB.

Although the APIA has negotiated a limited service agreement with Tennessee that allows restricted activity by Alabama Investigators in TN, other states do not recognize Alabama Licensing in considering reciprocity. Georgia will not reciprocate with Alabama because our licensing standards do not equal theirs (we have no minimum standards). Florida will not reciprocate because Alabama has no AGENCY licensing (no regulation of entities that hire investigators).

The APIA wants Alabama Licensing to be at least equal to neighboring states and establish a higher standard for anyone desiring to operate as an investigator in the private sector in Alabama. Our recommendations include four issues for consideration that will provide protection for the citizens of Alabama, while regulating and protecting the licensees. None restrict trade or the opportunities for entities or individuals to participate in this profession.

- I. Minimum Standards: Experience & Education
- II. Apprentice or Intern Status
- III. Agency Licensing
- IV. Insurance Requirement

Each recommendation is explained further below. We will include requirements and standards required by neighboring States of Tennessee, Georgia and Florida. Mississippi has no licensing.

1. **MINIMUM STANDARDS** – In addition to sitting for an exam, the applicant must possess a minimum of two (2) years of experience and education in the following areas to demonstrate qualifications to hold a full license as a private investigator in the State of Alabama:
 - a. **Special Investigations** - experience at the SIU level in insurance, banking, rail road, law firm, etc. that can be documented. Each year of experience qualifies as one year toward the minimum requirement.
 - b. **Law Enforcement** - Each 2 years of experience as a sworn law enforcement officer equates to one year required experience.
 - c. **Military** – Active duty in an investigative capacity (i.e. Military Intelligence) - Each year of experience qualifies as one year toward the minimum requirement. For other duty, two or more years qualifies for one year toward the minimum requirement.
 - d. **Education** - Minimum 2-year degree in subject matter such as Criminal Justice, Political Science, Criminology, Law Enforcement, or other fields of study that demonstrate a true interest in the field of investigation. This will count as one year toward the minimum requirement.
 - e. **Apprentice or Intern** - Training and experience may be acquired by serving in this capacity by working under the supervision of a qualified investigator licensed by the State of Alabama. Each year of training must total 2000 hours (based on 40 hours per week for 50 weeks). During this training, the applicant must complete 40 hours of CEU provided by the APIA or other certified CE provided approved by the APIB. These CE hours must include coursework in ethics, business operations and investigations. The individual investigator or licensed entity must attest to and certify the applicant's completion of training, while CE Certificates must be submitted demonstrating completion of required coursework.
- 1) **Florida:** *The department mandates that in order to apply for a private investigator (Class "C") license, you must satisfy an "experience" requirement. This experience can come from work in related fields, such as law enforcement, or military experience, or as an intern (Class "CC"). It can also come from study in criminology, law enforcement administration, or by completion of any state, federal, county, or municipal training related to the position. Your experience can come from one of these options or by combination of a few. Either way, you need to be able to verify two years-worth of full-time involvement, with no more than one year originating from training classes or college courses. For example, if you've been a police officer for three years, working at*

least 40 hours per week, you've met your requirement. However, not everyone who is interested in this exciting career has been employed in law enforcement or received military training. In those cases, you can become licensed as an intern and complete your two-year obligation by working at a private detective agency.

- 2) Georgia: Title 43 Chapter 38 (Georgia Private Detective and Security Agency Act):** *Georgia has rigorous requirements that include either POST certified law enforcement background, or certified experience in law enforcement, military, education (4-year degree) or experience directly related to the investigative field. The applicant must also take a CE course of 70 to 80 hours and pass the exam to demonstrate knowledge in business, ethics and investigations. The course costs about \$650.00. Georgia also requires sole operators to purchase an agency license.*
- 3) Tennessee: Title 62 Chapter 26 Private Investigators Licensing and Regulatory Act:** *in addition to the administrative qualifications (no felonies, citizenship, etc.) the applicant must verify 2000 hours of compensated investigative experience. Military service may be acceptable if 2000 hours of verifiable compensated experience with any federal, US armed forces, state, county or municipal law enforcement agency can be shown.*
- 4) Mississippi** – has no State Licensing of Investigators.

2. **APPRENTICE LICENSE** – For applicants that do not possess the minimum experience and education, this license category will provide individuals to enter the field of private investigation and allow agencies to recruit and train applicants at a reduced level (the apprentice license should be a significantly reduced fee. The application fee will remain the same to cover the cost of processing and background checks).

- 1) Florida:** *40-hour training course by certified training academy or provider.; fulfillment of the experience requirements by working with a licensed private investigation agency or agencies;*
- 2) Georgia:** *the applicant must take training courses and pass an exam to demonstrate knowledge and skill in the field of investigations. Experienced must be acquired by working for a licensed investigation agency.*
- 3) Tennessee:** *applicant must pass an examination designed to measure knowledge and competence in the investigations field. The apprentice program consists of a sponsor to certify training. The apprentice status is limited six (6) months.*
- 4) Mississippi:** *has no State Licensing of Investigators.*

3. **AGENCY LICENSE** – An Agency is any individual or entity that engages in the marketing, hiring (contract or staff) investigators licensed in the State of Alabama. Currently, there are dozens of Investigators, entities and investigative agencies that operate in Alabama by hiring investigators in Alabama and sending investigators into Alabama to perform investigations, but are not known to the APIB, Secretary of State or the Alabama Department of Revenue. They operate without accountability, regulation, or even jurisdiction of our court system. They also market their services both in-state and nationally without said oversight and accountability. Without agency licensing, they operate unfairly without in-state regulation, and cannot be compelled to pay their bills, produce evidence when needed or maintain proper licenses and minimum standards (continuing education requirements of their investigators). Because the Agency requirement applies to in-state and out of state private investigators and entities, any out of state Agency licensee should be required to have a properly licensed Alabama Private investigator that serves as a Registered Agent or Officer or hold a position in upper management of the applying entity. This representative should be a resident of the State of Alabama.

Any individual or entity that MARKET their services in Alabama should be required to publish their Alabama Private Investigator and the Alabama Private Investigator Agency License number on any publication, ad or correspondence in which they are representing themselves as an Agency or Investigator. This includes contracts, letterhead, business cards and any publication for marketing or advertising.

- 1) **Florida: 493.6101 Chapter 493** *Any person, firm, company, partnership or corporation that engages in business as a private investigative agency must have a Class "A" license. A Class "A" license is valid for only one location*
- 2) **Georgia:** *the applicant must have at least two years' experience in law enforcement or has a 4-year degree in criminal justice or related field on study.*
- 3) **Tennessee:** *Agency licenses are priced according to the number of employees.*
- 4) **Mississippi** – has no State Licensing of Investigators.

4. **INSURANCE REQUIREMENT** – Investigators and agencies will be protected against claims (spurious or legitimate) with adequate General Liability and Errors and Omissions insurance coverage. Workers' Compensation is required under existing Alabama law. In either case, the Agency or Individual Licensed Private Investigator in Alabama should be covered and able to provide proof of coverage (certificate) to the consumer of their services (individuals,

businesses, attorneys and/or insurance companies). The protections afforded by this requirement are as follows:

- A. The **subject (citizen or company)** of an investigation can be assured of the ability to file claims in the event of a wrong doing or mistake and be able to recover losses at the hands of the agency or individual investigator.
- B. The **consumer of private investigator and agencies services (citizens, attorneys, companies and insurance companies)** will be protected against claims from services they contracted from Investigators and Agencies.
- C. The **Agency or Individual Investigator will be covered** against such claims (legitimate or spurious) in the form of adequate defense and ability to remunerate losses. This will protect the assets of the Investigator or agency.

- 1) **Florida: 439.6110 of Chapter 493** requires Class B agencies to provide an insurance certificate, naming the department as an additional insured for the purpose of receiving notices of modification or cancellation. The policy must be a minimum of \$300,000.00 for death, bodily injury, property damage and personal injury.
- 2) **Georgia: 43-38-6 paragraph 9:** requires applicant to post a bond or submit proof of not less than \$1 million of liability insurance.
- 3) **Tennessee:** None specified.
- 4) **Mississippi:** has no State licensing requirement.

In addition to these minimum standards, our licensing law must have restriction clauses pertaining to prohibition of local jurisdictions imposing licensing and insurance requirements within their jurisdictions.

Enforcement of this law must be clearly defined and the necessary authority of enforcement (the APIB) be granted by statute the schedule of penalties ranging from suspension of licenses to criminal and/or civil fines for violation of this law.

The APIA wishes only to establish equality and fairness for those engaged in our profession, while assuring the best protection for the citizens and businesses in the State of Alabama.