



September 9th, 2014

Robert Blansfield
Professional Investigators and Security Association
P.O. Box #521
Manassas, Virginia 20108

Ref: Private Investigator Legislative Issues

Dear Robert:

On Saturday, July 26th, 2014, members of the PIAVA Board of Directors and I attended the meeting you hosted in Fairfax, Virginia. Also in attendance at this meeting was Commonwealth Delegate Jim LeMunyon. The purpose of this meeting was to discuss the possible drafting of legislation to address several issues that are currently facing the private investigation industry in the Commonwealth of Virginia. The four issues of most concern discussed at this meeting were as follows:

- The identification card currently being issued to P.I. Registrants by DCJS
- Having the ability for a licensed P.I. agency in Virginia to hire sub-contracted, registered private investigators on an as-needed basis
- The definition of a Private Investigator in the Virginia code
- The ability for a licensed P.I. agency to perform services for out-of-state private investigators who are not currently licensed in the Commonwealth

Since this meeting, some of my fellow Board members and I have had the opportunity to discuss these issues with other PIAVA members and I wish to submit our formal positions to you on each point.

DCJS Registrant Identification Card

As you may be aware, members of the PIAVA Board and I met with Director Ecker of DCJS and three of her senior staff members on May 22nd, 2014. During this meeting my colleagues and I raised our member's concerns over the DCJS Registrant Identification card and the fact that it no longer features a photograph of the registrant and that it cannot be used by our members as a means of official identification while conducting business. We were told at the time that the card in question was an

“interim” design and that it was not the permanent design. They explained to us that the Department was about to launch a new Credentialing Management System and that the final identification card design would be released as part of that new program. Unfortunately, since this meeting we have not heard anything from the Department about this. We are about to send a follow up letter to the Director asking her for an update on the status of this project, and when we can expect to see the release of the permanent identification cards.

In the meantime, we would suggest that if you are going to propose legislation that mandates certain items be featured on the identification card issued by the Department, that it must first be an actual plastic identification card, and not just a piece of paper, and that it also include the following features:

- The registrant’s full name
- DCJS ID#
- The registrant’s photograph
- The type of registration(s) the card represents
- The words or seal of the Commonwealth of Virginia AND the words “Department of Criminal Justice Services.”
- The design of the card be such that it clearly demonstrates that it was issued by a department of the government.

It should be noted that the ID card currently being issued by DCJS does, in fact, contain most of the above items, except the registrant’s photograph and perhaps that the current plain white card does not demonstrate that it is issued by the government.

Sub-contracting Private Investigators

My fellow Board members and I believe that this activity should be permitted and therefore, we would support legislation that gives a licensed agency the option to hire other registered private investigators in Virginia on a sub-contracted basis. However, we believe that an inquiry should be made with members of the industry insurance to determine what impact, if any, this change might have on our member’s insurance policies and their premiums, before such changes are made.

Definition of Private Investigator

Regarding the current definition of Private Investigator in the Virginia Code: An examination of the current definition of Private Investigator in Virginia, as well as a number of other states in the U.S. was performed. The current definition of Private Investigator in the Virginia Code is as follows:

"Private investigator" means any natural person who engages in the business of, or accepts employment to make, investigations to obtain information on (i) crimes or civil wrongs; (ii) the location, disposition, or recovery of stolen property; (iii) the cause of accidents, fires, damages, or

injuries to persons or to property; or (iv) evidence to be used before any court, board, officer, or investigative committee.

It is our opinion that the current definition of Private Investigator in the Virginia Code is flawed and that may be allowing people who provide certain kinds of private investigative-type services to the public the ability to do so without having to obtain a license or a registration. Therefore, PIAVA would support an effort to draft legislation that would change the language in the Code to make the current definition of private investigator more comprehensive, so that all individuals who offer investigative-type services would need to be properly registered and licensed by DCJS.

More precisely, we believe that the current definition should include language that further identifies a private investigator as someone who “performs research on the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person.” Similar language was found in many other state’s private investigator definitions, including those of California, Texas, Tennessee and Pennsylvania.

Performing Services For Out-of-state P.I. Firms

My fellow Board members and I discussed this issue as well and it is our understanding that this particular matter has already been addressed and resolved with DCJS. Here is a copy of the DCJS policy:

POLICY FOR OUT-OF-STATE PRIVATE SECURITY SERVICES BUSINESSES

An out-of-state private security services business, who has been hired by an end user, may act as the agent of said end user, and it shall be lawful for the out-of-state private security business to contract with a licensed Virginia private security services business to conduct regulated private security services on behalf of the out-of-state private security business. Nothing in this policy directive shall authorize an out-of-state private security business to solicit private security services business within the Commonwealth without having first obtained a license pursuant to § 9.1-139 of the Code of Virginia.

Based on the above policy, my colleagues and I do not believe that any additional efforts on this particular matter are necessary at this time.

It is our understanding is that Mr. LeMunyon has made his staff available to us to draft these bills. We believe this would be the best course of action so that we would then be able to review and evaluate them thoroughly before moving asking the delegate to move forward.

Robert, thank you for asking PIAVA for its input on these important topics. Please let me know if I can be of any further assistance.

Sincerely,

Kenneth P. D'Angelo
President