

CHAPTER 3. PRIVATE DETECTIVES

001. DEFINITIONS

For purposes of Chapter 3 of these regulations:

001.01. Private Detective Licensing Act shall mean Neb. Rev. Stat. §§71-3201 through 71-3213.

001.02. Secret service or private policing business shall mean and include: general investigative work; non-uniformed security services; surveillance services; location of missing persons; and background checks.

001.02A. The following activities shall constitute general investigative work:

001.02A1. Investigating the identity, habits, conduct, movements, whereabouts, transactions, reputation, or character of any individual or organization;

001.02A2. Investigating the credibility of witnesses or other individuals;

001.02A3. Investigating the location or recovery of lost or stolen property;

001.02A4. Investigating the origin of and responsibility for libels, losses, accidents, or damage or injuries to individuals or property;

001.02A5. Investigating the affiliation, connection, or relationship of any individual, firm, or corporation with any organization, society, or association, or with any official, representative, or member thereof;

001.02A6. Investigating the conduct, honesty, efficiency, loyalty, or activities of employees, individuals seeking employment, agents, or contractors and subcontractors;

The list of activities in subsection 001.02A shall not be construed as exhaustive.

001.02B. Background checks shall mean the act of reviewing both confidential and public information to investigate an individual or entity's history, credit standing, general reputation, personal characteristics, or mode of living.

001.03. Secretary shall mean the Secretary of State

001.04. Sole proprietor shall mean an individual owning his own private detective business with no other agents or employees engaged in the private detective work, and shall not include any private detective business owned or operated in whole or in part by a partnership, limited partnership, firm, association, corporation, limited liability company, or other legal entity.

001.05. Plain Clothes Investigator shall mean and include any individual, other than a private detective, who is an employee and on behalf of a private detective agency without any identifying uniform performs services consisting wholly or investigative activity within the scope of the private detective business.

001.06. Private Detective shall mean any individual who as a sole proprietor engages in the private detective business without the assistance of any employee.

001.07. Private Detective Agency shall mean any person who as other than a private detective or a plain clothes investigator engages in the private detective business.

Annotation: Neb. Rev. Stat. § 71-3201

002. PRIVATE DETECTIVE BUSINESS

002.01. For purposes of the Act advertising or holding oneself out as being engaged in the private detective business shall mean and include:

002.01A. Placing advertisements offering private detective, secret service or private policing services.

002.01B. Distributing business cards using stationary or letterhead indicating the individual or entity offers private detective, secret service or private policing services.

002.01C. Soliciting clients for the purpose of performing private detective, secret service, or private policing services.

002.02. Advertising in state and local publication must be the same as identified on the application form.

002.02A. Private detective agency advertising must have a private detective agency license.

002.02B. Private detective advertising must be advertising as an individual performing private detective work.

002.02C. Plain clothes investigators may only advertise as employees of a private detective agency that they are employed.

Annotation: Neb. Rev. Stat. Sec. 71-3201 and 71-3202

003. APPLICATIONS AND OTHER FORMS

003.01. The following forms are required for licensing under the Act: (Example)

- 003.01A. Application for plain clothes or private detective license
- 003.01B. Voucher for plain clothes investigator
- 003.01C. Application for private detective agency license
- 003.01D. Release of information form
- 003.01E. Instructions for use of fingerprint cards
- 003.01F. Fingerprint card
- 003.01G. Bond Form
- 003.01H. Plain clothes or private detective license renewal form
- 003.01I. Private detective agency renewal form

The forms listed in this section and attached hereto shall be made available to all applicants for license under the Act and shall be incorporated by reference into these rules and regulations.

Annotation: Neb. Rev. Stat. Sec. 71-3205; 71-3207; 71-3208

004. LICENSE APPLICATION REQUIREMENTS

004.01. Before being considered by the Secretary of State, every application for a private detective, private detective agency, or plain clothes investigator license shall include the following information and meet the following requirements:

- 004.01A. All questions on the application form(s) must be answered.
- 004.01B. All licensing and investigation fees must be paid in advance.
- 004.01C. Submission of readable fingerprint cards.
- 004.01D. Submission of a license surety bond for \$10,000 (for agency and private detective licenses only).
- 004.01E. Submission of a color photograph 1" by 1 1/2" facial of applicant taken within 90 days of application.

Annotation: Neb. Rev. Stat. Sec. 71-3205 through 71-3207

005. PRIVATE DETECTIVE and PRIVATE DETECTIVE AGENCY LICENSING
REQUIREMENTS

005.01. Before being approved by the Secretary of State all applicants for a private detective license or a private detective agency license must meet or exceed the following requirements:

- 005.01A. Minimum of 3000 hours of verifiable investigative experience, or
- 005.01B. A minimum of 2500 hours of verifiable investigative experience if the applicant has completed an associate degree in Criminal Justice, or a closely related field, from an accredited, regionally recognized, degree-awarding university, college or community college, or
- 005.01C. A minimum of 2000 hours of verifiable investigative experience if the applicant has completed a bachelor's degree in Criminal Justice, or a closely related field, from an accredited, regionally recognized, degree-awarding university or college, and
- 005.01D. A minimum score of 80% on the license exam.

005.02. For purposes of section 001 of this chapter, verifiable investigative experience shall mean and include previous investigative experience working as a city, county, state or federal law enforcement officer, military police officer, private investigator in another state, or licensed plain-clothes investigator in this state and may include other relevant investigative experience approved by the Secretary of State.

005.03. If the application is for a private detective agency license, at least one person designated on the application shall meet the requirements of section 001 of this chapter. The person so designated must have overall management responsibility of the day to day affairs and investigations of the agency and oversee or supervise any plain clothes investigators working under the agency license. If the applicant is a corporation the designee shall be an officer or director of the corporation, if the applicant is a limited liability company the designee shall be a member or manager of the limited liability company, if the applicant is a partnership or some other type of business organization the designee shall be a partner or manager. Any officer or managing partner must complete and submit finger print cards for a criminal background check prior to issuance of an agency license.

005.04. In addition to the requirements set forth in these rules, before being approved by the Secretary of State all applicants for a private detective license or a private detective agency license must meet all requirements set forth for licensure under the Private Detective Licensing Act.

005.05. Any person or persons conducting investigations as an employee of a private detective agency license holder must have a plain clothes investigations license.

Annotation: Neb. Rev. Stat. Sec. 71-3205 through 71-3207

006. PLAIN CLOTHES INVESTIGATOR'S LICENSE

006.01. Before being approved by the Secretary of State all applicants for a plain clothes investigators license must meet or exceed the following requirements:

006.01A. A minimum score of 80% on the license exam.

006.01B. A statement signed by the agency license holder who the plain clothes investigator will be employed by ensuring that each investigator has the necessary knowledge to competently practice in the private investigative business.

006.02. A plain clothes investigator license shall be null and void upon the following circumstances: expiration of agency, termination of employment

006.03. All plain clothes investigators must be employed by a licensed Nebraska private detective agency.

006.04. In addition to the requirements set forth in these rules before being approved by the Secretary of State all applicants for a plain clothes investigators license must meet all the requirements set forth for licensure under the Private Detective Licensing Act.

Annotation: Neb. Rev. Stat. Sec. 71-3201 and 71-3205

007. LICENSE EXAM

007.01. The license exam shall consist of questions aimed at determining whether the applicant has the reasonably necessary knowledge, experience, and competency to engage in and perform the duties of the secret service or private policing business.

007.01A. Knowledge of the Nebraska Private Detective Act and laws related to or affecting private detective work, including but not limited to:

- 007.01A1. Provisions of Neb. Rev. Stat. 71-3201 through 71-3213 the Nebraska private detective licensing act
- 007.01A2. Basic requirements to become a license holder
- 007.01A3. Debt collection restrictions
- 007.01A4. Surety bond requirements
- 007.01A5. Minimum number of hours of experience to apply for a detective license
- 007.01A6. Disqualification for application of private detective license
- 007.01A7. Expiration date of all license holders
- 007.01A8. Restrictions on duties of plain clothes investigators
- 007.01A9. Advertising for private detective services
- 007.01A10. License renewal requirements
- 007.01A11. Interception of wire of electronic communications (wiretapping)
- 007.01A12. Trespassing
- 007.01A13. Carrying a concealed weapon
- 007.01A14. Provisions of the Nebraska private detective licensing rules and regulations
- 007.01A15. Intrusion

007.02. The license exam shall be administered at such places and times as the Secretary of State may determine, but in no event shall the test be held more than 30 days after an applicant's request to take the test. Any applicant who does not pass the exam must wait at least 21 days before re-taking the exam. If an applicant does not pass the test after three tries the applicant shall be considered incompetent to receive a license for private investigative work in the State of Nebraska, and shall not be eligible to take the test again. A passing exam score shall be valid for 2 years from the date of examination.

Annotation: Neb. Rev. Stat. Sec. 71-3205

008. FEES

008.01. Application fees for initial and renewal applications shall be as follows:

- 008.01A. Private Detective\$50.00.
- 008.01B. Private Detective Agency\$100.00.
- 008.01C. Plain Clothes Investigator.....\$25.00.

008.02. A background check application fee of \$38 shall be charged in addition to the fees detailed above for each application except that the background check application fee shall not be required upon renewal.

008.03. Fees charged pursuant to this section are non-refundable.

Annotation: Neb. Rev. Stat. Sec. 71-3205