

TITLE 874 PRIVATE INVESTIGATOR AND SECURITY GUARD LICENSING BOARD

ARTICLE 1. PRIVATE INVESTIGATOR FIRMS AND SECURITY GUARD AGENCIES

Rule 1. General Provisions

874 IAC 1-1-1 Definitions

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1; IC 25-30-1.3

Sec. 1. (a) The definitions in IC 25-30 and this section apply throughout this article.

(b) For purposes of IC 25-30-1-2 and IC 25-30-1.3-5, "for hire or reward" means to charge a monetary fee or receive any item of pecuniary value for the provision of private investigative or security guard services.

(c) "Manager or administrator" means an employee who is involved in the daily operations of the business entity by which he or she is employed.

(d) For purposes of IC 25-30-1.3-6(b)(1), "official duties" means duties performed by:

(1) a law enforcement officer while on duty and in an official capacity as an employee of a law enforcement agency; or

(2) a law enforcement officer, special deputy, or reserve officer while off duty and performing a paid detail assignment that has been assigned to the law enforcement officer, special deputy, or reserve officer by the law enforcement agency to which the:

(A) law enforcement officer or special deputy is employed; or

(B) reserve officer is employed or serves as a volunteer.

(e) "Qualifier" means an individual for a sole proprietorship applicant, one (1) individual of a partnership applicant, or one (1) officer of a corporate applicant who meets the experience requirements under:

(1) IC 25-30-1-8(a)(2) and 874 IAC 1-2-1 for obtaining a private investigator firm license; or

(2) IC 25-30-1.3-9(a)(2) and 874 IAC 1-3-1 for obtaining a security guard agency license.

(Private Investigator and Security Guard Licensing Board; 874 IAC 1-1-1; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA)

874 IAC 1-1-2 Advertising

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-13; IC 25-30-1.3-14; IC 35-43-4-3; IC 35-43-5-3

Sec. 2. (a) Any advertisement by a licensee, or by any employee, member, officer, director, or manager of a licensee, must contain the full name, business address, license type, and license number of the licensee as they appear in the records of the board. The advertising shall include, but is not limited to, the following:

(1) Business cards.

(2) Identification cards.

(3) Letterheads.

(4) Invoices.

(5) Business websites.

(6) Other forms that may be used to advertise the licensee's business.

(b) No written or verbal advertisement by any licensee, or by any employee, member, officer, director, or manager of a licensee, shall contain any:

(1) wording;

(2) slogans;

(3) logos;

(4) seals;

(5) graphics; or

(6) other inference;

that the licensee or any such person is connected with or in any manner represents any local, state, or federal law enforcement agency.

(c) This section shall not be construed to prevent the proper use of the forms and cards authorized by the board, or any other legitimate advertising, but is intended solely for the purpose of preventing misleading or false advertising within the meaning and

intent of IC 35-43-4-3 and IC 35-43-5-3. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-1-2; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

874 IAC 1-1-3 Renewal of license

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-16; IC 25-30-1.3-17

Sec. 3. (a) All licenses issued by the board expire on October 1, 2011, and every four (4) years from that date.

(b) It is the responsibility of the licensee to notify the Indiana professional licensing agency of an address change. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-1-3; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

874 IAC 1-1-4 Renewal of license; limited criminal history background checks

Authority: IC 25-30-1-5.5

Affected: IC 25-1-7; IC 25-30-1-16; IC 25-30-1.3-17

Sec. 4. (a) All individuals serving as a qualifier for a licensed private investigator firm or licensed security guard agency shall obtain a limited criminal history background check from each state in which the qualifier has resided during the previous four (4) years preceding the filing of the application for renewal of a private investigator firm license or security guard agency license.

(b) Qualifiers shall maintain copies of the limited criminal history background check for a period of not less than four (4) years.

(c) The board may require a qualifier to submit the limited criminal history background check under any of the following circumstances:

(1) At the time of renewal and as a condition for renewal.

(2) Within one (1) year of the most recent renewal deadline as part of a random audit.

(3) At any other time as part of an ongoing investigation under IC 25-1-7.

(*Private Investigator and Security Guard Licensing Board; 874 IAC 1-1-4; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

Rule 2. Private Investigator Firm Licensing

874 IAC 1-2-1 Experience and education requirements

Authority: IC 25-30-1-5.5

Affected: IC 8-3-17; IC 25-30-1-8; IC 25-30-1.3

Sec. 1. (a) This section establishes the experience requirements under IC 25-30-1-8(a)(2) for a private investigator firm license. All individual applicants, one (1) individual of a partnership applicant, or one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed private investigator firm, must meet the requirements in this section.

(b) The experience requirements may be satisfied by completing the employment experience in subdivision (1) or the educational experience in subdivision (2):

(1) A minimum of two (2) years of experience as verified by a minimum of four thousand (4,000) hours of employment in any of the following areas or combination of areas:

(A) As an employed private investigator for a private investigator firm licensed:

(i) under IC 25-30-1; or

(ii) in another state with substantially equivalent licensing requirements.

(B) As a full-time manager or administrator for a private investigator firm licensed:

(i) under IC 25-30-1; or

(ii) in another state with substantially equivalent licensing requirements.

(C) As an investigator for the:

(i) United States Department of Justice; or

(ii) United States Department of the Treasury.

(D) As a criminal investigator with the armed forces of the United States.

(E) As a sheriff's investigator.

- (F) As a railroad detective.
 - (G) As a claims investigator for an insurance company.
 - (H) As a licensed and practicing attorney at law or as an investigator for a practicing attorney.
 - (I) As a law enforcement officer for any federal, state, or local unit of government. This does not include unpaid reserve or volunteer officers.
 - (J) As a railroad policeman under IC 8-3-17.
 - (K) As a military criminal investigation or intelligence officer or agent with the armed forces of the United States.
- (2) A bachelor's degree or higher in criminal justice, or a related field, as determined by the board, from an institution of higher education that is accredited by the:
- (A) Middle States Association of Colleges and Schools;
 - (B) New England Association of Colleges and Schools;
 - (C) North Central Association of Colleges and Schools;
 - (D) Northwest Association of Colleges and Schools;
 - (E) Southern Association of Colleges and Schools;
 - (F) Western Association of Colleges and Schools; or
 - (G) Commission on Accreditation of Criminal Justice Programs.
- (c) The experience requirements shall be verified in a manner and on forms as prescribed by the board. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-2-1; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

874 IAC 1-2-2 Criminal history information requirements

Authority: IC 25-30-1-5.5
Affected: IC 25-30-1-8

Sec. 2. (a) All individual applicants, one (1) individual of a partnership applicant, or one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed private investigator firm, must meet the requirements in this section.

(b) Qualifiers must submit the following:

(1) Criminal history information from each city, county, and state in which the applicant has resided during the seven (7) years preceding the filing of the application for licensure.

(2) A fingerprint-based criminal history check from the Indiana state police.

(c) The applicant shall pay any fees associated with the release of the criminal history information of the applicant. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-2-2; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

874 IAC 1-2-3 Nonresident applicants

Authority: IC 25-30-1-5.5
Affected: IC 25-30-1-14; IC 25-30-1.3

Sec. 3. (a) All persons who are licensed to conduct a private investigator business in any state other than Indiana, who apply for an Indiana private investigator firm license, shall furnish to the board, in addition to all other forms and documents required under IC 25-30-1.3 or this article, the following:

(1) A license certification letter from the licensing authority for private investigators in each state in which licensed to conduct a private investigator business, stating that the applicant is in good standing in that state or in those states.

(2) Verification of registration as a foreign corporation with the Indiana secretary of state, if the firm is a corporation.

(b) All persons who hold or have held a professional license issued by a state licensing board in any state other than Indiana, who apply for an Indiana private investigator firm license, shall furnish to the board, in addition to all other forms and documents required under IC 25-30-1.3 or this article, a license certification letter from the licensing authority in each state in which the applicant holds or has held a professional license, stating that the applicant is in good standing in that state or in those states. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-2-3; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

874 IAC 1-2-4 Violation of law; effect on application

Authority: IC 25-30-1-5.5
Affected: IC 25-30-1-8

Sec. 4. The board may, at its discretion, consider an application for a private investigator firm license if the applicant or an officer or partner of the applicant under IC 25-30-1-8(b) has acted as a private investigator firm in violation of IC 25-30 or this article within a period of two (2) years prior to the date of the applicant's application, including whether any such experience gained while acting as a private investigator firm in violation of IC 25-30 or this article may be considered in determining required experience under section 1 of this rule. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-2-4; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

Rule 3. Security Guard Agency Licensing

874 IAC 1-3-1 Experience and education requirements

Authority: IC 25-30-1-5.5

Affected: IC 8-3-17; IC 25-30-1.3-9

Sec. 1. (a) This section establishes the experience requirements under IC 25-30-1.3-9(a)(2) for a security guard agency license. All individual applicants, one (1) individual of a partnership applicant, or one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed security guard agency, must meet the requirements in this section.

(b) The experience requirements may be satisfied by completing the employment experience in subdivision (1) or the educational experience in subdivision (2):

(1) A minimum of two (2) years of experience as verified by a minimum of four thousand (4,000) hours of employment in any of the following areas or combination of areas:

(A) As an employed private investigator for a private investigator firm licensed:

(i) under IC 25-30-1; or

(ii) in another state with substantially equivalent licensing requirements.

(B) As a full-time manager or administrator for a:

(i) security guard agency licensed:

(AA) under IC 25-30-1.3; or

(BB) in another state with substantially equivalent licensing requirements;

(ii) private investigator firm licensed:

(AA) under IC 25-30-1; or

(BB) in another state with substantially equivalent licensing requirements; or

(iii) proprietary security force of at least twenty (20) employees or a lesser number with equivalent experience as determined by the board.

(C) As an investigator for the:

(i) United States Department of Justice; or

(ii) United States Department of the Treasury.

(D) As a criminal investigator with the armed forces of the United States.

(E) As a sheriff's investigator.

(F) As a railroad detective.

(G) As a claims investigator for an insurance company.

(H) As a licensed and practicing attorney at law or as an investigator for a practicing attorney.

(I) As a law enforcement officer for any federal, state, or local unit of government. This does not include unpaid reserve or volunteer officers.

(J) As a railroad policeman under IC 8-3-17.

(K) As a military or security police officer with the armed forces of the United States.

(2) A bachelor's degree or higher in criminal justice, or a related field, as determined by the board, from an institution of higher education that is accredited by the:

(A) Middle States Association of Colleges and Schools;

(B) New England Association of Colleges and Schools;

(C) North Central Association of Colleges and Schools;

(D) Northwest Association of Colleges and Schools;

(E) Southern Association of Colleges and Schools;

(F) Western Association of Colleges and Schools; or

(G) Commission on Accreditation of Criminal Justice Programs.

(c) The experience requirements shall be verified in a manner and on forms as prescribed by the board. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-3-1; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

874 IAC 1-3-2 Criminal history information requirements

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1.3-9

Sec. 2. (a) All individual applicants, at least one (1) individual of a partnership applicant, and at least one (1) officer of a corporate applicant, who will be serving as the qualifier for the licensed security guard agency, must meet the requirements in this section.

(b) Qualifiers must submit the following:

(1) Criminal history information from each city, county, and state in which the applicant has resided during the seven (7) years preceding the filing of the application for licensure.

(2) A fingerprint-based criminal history check from the Indiana state police.

(c) The applicant shall pay any fees associated with the release of the criminal history information of the applicant. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-3-2; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

874 IAC 1-3-3 Nonresident applicants

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1.3-15

Sec. 3. (a) All persons who are licensed to conduct a security guard business in any state other than Indiana, who apply for an Indiana security guard agency license, shall furnish to the board, in addition to all other forms and documents required under IC 25-30-1.3 or this article, the following:

(1) A license certification letter from the licensing authority for security guards in each state in which licensed to conduct a security guard business, stating that the applicant is in good standing in that state or in those states.

(2) Verification of registration as a foreign corporation with the Indiana secretary of state, if the security guard agency is a corporation.

(b) All persons who hold or have held a professional license issued by a state licensing board in any state other than Indiana, who apply for an Indiana security guard agency license, shall furnish to the board, in addition to all other forms and documents required under IC 25-30-1.3 or this article, a license certification letter from the licensing authority in each state in which the applicant holds or has held a professional license, stating that the applicant is in good standing in that state or in those states. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-3-3; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

874 IAC 1-3-4 Violation of law; effect on application

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1.3-9

Sec. 4. The board may, at its discretion, consider an application for a security guard agency license if the applicant or an officer or partner of the applicant under IC 25-30-1.3-9(b) has acted as a security guard agency in violation of IC 25-30 or this article within a period of two (2) years prior to the date of the applicant's application, including whether any such experience gained while acting as a security guard agency in violation of IC 25-30 or this article may be considered in determining required experience under section 1 of this rule. (*Private Investigator and Security Guard Licensing Board; 874 IAC 1-3-4; filed Jun 1, 2010, 1:07 p.m.: 20100630-IR-874090002FRA*)

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