

Chapter RL 3

PRIVATE DETECTIVE LICENSES AND PRIVATE DETECTIVE AGENCY LICENSES

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**RL 3.01 Definitions.** In this chapter, unless the context clearly requires a different meaning:

(1) "License" means a license issued by the department to a private detective agency or a license issued by the department to a private detective;

(2) "Licensee" means a holder of any license;

(3) "Officer" means any person required by law to sign an application for an agency license, except a registered agent of a foreign corporation;

(4) "Original agency license" means:

(a) A license issued to an agency which did not, at the time it made application, hold an agency license issued by the department; or

(b) A license issued to an agency which has applied for a license under s. RL 3.21 (2) after undergoing a total change of ownership;

(5) "Original private detective license" means a license issued to a person who did not, at the time he made application, hold a private detective license issued by the department.

(6) "Owner" means, as to an agency:

(a) A sole proprietor; or

(b) Each member of a partnership; or

(c) Each officer or director of a firm, association, company, or corporation;

(7) "Private detective agency" or "agency" means an individual, firm, association, company, partnership or corporation engaged in private

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detective work or employing private detectives, security personnel, or both; or any individual, firm, association, company, partnership or corporation selling electronic devices that employs uniformed individuals to monitor the devices.

(8) (a) "Private detective" means a person engaged in obtaining or furnishing information with reference to:

1. Crimes or wrongs done or threatened against the United States or any state or territory thereof;

2. The identity, habits, conduct, business, occupation, honesty, integrity, creditability, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

3. The location, disposition or recovery of lost or stolen property;

4. The cause or responsibility for fires, libels, losses, accidents, damage or injury to person or property;

5. The securing of evidence to be used before any court, board, officer or investigating committee.

(b) The following are not private detectives within the meaning of these rules:

1. A person who, by virtue of occupation, is explicitly exempted by law from having to obtain a private detective license;

2. A person who is employed exclusively and regularly by one employer, in connection with the affairs of such employer only, where there exists an employer-employee relationship, unless the employer is required by law to obtain an agency license.

(9) "Private security person" or "private security personnel" means any private police, guard, or any person who stands watch or patrols for security purposes, but does not include a person who obtains a permit under s. 440.26(5), Stats.

(10) "Permit" means a private security permit, as specified in s. 440.26(5), Stats.

*History:* Cr. Register, June, 1974, No. 222, eff. 7-1-74; am. (7), Register, September, 1977, No. 261, eff. 10-1-77; am. (7) and (10), r. and recr. (9), Register, December, 1978, No. 276, eff. 1-1-79; correction in (8) (b) 1. made under s. 13.93 (2m) (b) 5, Stats., Register, May, 1988, No. 389.

### **Standards of Professional, Educational and Moral Qualification**

**RL 3.10 Agency licenses.** (1) Each individual applicant for an original agency license, at least one member of each partnership applying for an original agency license, and at least one of the officers signing the application in the case of a corporation applying for an original agency license, shall have had:

(a) At least 3 years' full-time employment as a private detective with a licensed agency; or

(b) At least 3 years' full-time employment as a supervisor or administrator in industrial security or with a licensed agency; or

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(c) At least 3 years' full-time employment as a sworn member of any federal investigative agency, or as a sworn member of the military police or as a sworn member of any state, county or municipal investigative agency or police department; or

(d) Such professionally-related education or training, or combination of professionally-related education or training and experience, as the department may determine to be equivalent to the foregoing experience requirements.

(2) Each person who as of July 1, 1974 is not of record with the department as an officer of an agency and thereafter signs an application for a license or notifies the department of his taking office under s. RL 3.21 (4) (a), shall:

(a) Have at least a high school education or its equivalent;

(b) Not be a user of controlled substances, as defined in ch. 161, Stats., or alcoholic beverages to an extent dangerous to other persons or to an extent which impairs the ability to perform work responsibly;

(c) Not have been convicted of a misdemeanor or ordinance violation relating to misappropriation, gambling, controlled substances or sexual morality or of crimes that substantially relate to the duties of security or investigative work within the 3 years prior to application;

(d) Otherwise possess good moral character and integrity.

(3) Every owner of an agency must be 18 years of age on or before the date on which the agency's license is issued.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; am. (1) (a), (b), (c) and (2) (c), Register, September, 1977, No. 261, eff. 10-1-77; am. (3), Register, December, 1978, No. 276, eff. 1-1-79; corrections in (2) (intro.) and (b) made under s. 13.93, (2m) (b), 14 and 5, Stats., Register, May, 1988, No. 389.

**RL 3.11 Private detective licenses.** (1) Each applicant for an original private detective license shall qualify under s. RL 3.10 (2) (b) to (d).

(2) Persons who are eligible for an exemption under s. 440.26(5), Stats., but who fail to obtain the required permit shall obtain a private detective license.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; cr. (2), Register, September, 1977, No. 261, eff. 10-1-77.

**RL 3.12 Examination.** (1) No person will be granted a private detective's license unless that person attains an average grade of 70% in the following subjects in an examination administered by the department:

(a) Wisconsin statutes and rules governing private detective agencies and private detectives; conduct reflecting on professional qualification;

(b) Criminal law and procedure; constitutional rights of suspects; limitations on a private detective's ability to make arrests and conduct searches and seizures;

(c) Preserving and giving evidence; notetaking, report writing, testifying on deposition and in court.

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(2) An applicant who has passed the examination and remains unlicensed for one year or more shall again take and pass the examination before being licensed.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; am. (1) (intro.) and (2), Register, September, 1977, No. 261, eff. 10-1-77.

**RL 3.13 Examination procedures.** (1) The department will administer examinations once each month, if any candidate applies, at its offices in Madison.

(2) There is no limit on the number of times any person may take the examination.

(3) Candidates shall inform the department in writing of intent to take the examination on or before the 15th day of the month preceding the month in which they wish to take the examination. Those whose letters are postmarked on or before the 15th will be scheduled for the next examination.

(4) Candidates will not be permitted to take the examination unless they submit a letter of admission issued by the department and a recent photo of reasonable likeness.

(5) Candidates must check all books, notebooks or other papers with department staff before taking the examination, and may not take with them any papers from the room in which the examination is administered.

(6) The fee specified in s. 440.05 (1), Stats., will be charged for each examination administered. A candidate will not be examined if the fee is not paid.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; am. (4), Register, September, 1977, No. 261, eff. 10-1-77; am. Register, December, 1978, No. 276, eff. 1-1-79.

### General Provisions

**RL 3.20 Branch offices.** (1) The license, bond or liability policy and fee of an agency shall cover all branch, divisional or departmental offices located in this state as shown on the application, and such additional offices as the licensee may wish to establish after the license is issued provided that prior notice is given to the department.

(2) All branch, divisional or departmental offices must be operated under the same name as the principal office, unless they are separately licensed.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

**RL 3.21 Transfer, termination or change of name of agency.** (1) An agency which terminates its business shall surrender its license to the department.

(2) (a) If an agency undergoes a total change of ownership, the former owner or owners shall surrender the agency license to the department after the issuance of a license to the new owner or owners.

(b) The prospective new owner or owners of an already licensed agency must apply for and receive an original agency license before engaging in business, and shall attach to the license application a notarized state-

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ment by the current owner or owners certifying that the current owner or owners will have no control of or pecuniary interest in the agency after the issuance of a license to the prospective new owner or owners.

(3) An agency which changes its name or the location of its principal office without undergoing a change of ownership shall apply for and receive an amended license, without fee, before engaging in business under the new name. The amended license shall bear the same expiration date as the license issued to the agency under its previous name or location.

(4) (a) An agency which acquires a new officer or officers legally required to sign agency license application forms, without undergoing a total change of ownership, shall notify the department of the change, before the new officer or officers take office.

(b) One officer of an agency must qualify under s. RL 3.10 before any new officer takes office, if a change of officers would cause an agency to have no officers qualified thereunder.

(c) This subsection does not apply to a change of registered agent by a foreign corporation holding an agency license, but a copy of any statement which s. 180.10, Stats., requires a foreign corporation to file with the secretary of state shall be filed with the department.

**History:** Cr. Register, June, 1974, No. 222, eff. 7-1-74; correction in (2) (b) made under s. 13.93 (2m) (b) 5, Stats., Register, May, 1988, No. 389.

**RL 3.22 Fingerprints and employment records.** All applicants for original detective licenses and all persons who sign applications for original agency licenses, including any person of whose taking office the department is notified under s. RL 3.21 (4) but not including the registered agent of a foreign corporation, shall supply, in addition to such other pertinent information as the department may require, the following:

(1) Two complete and satisfactory sets of fingerprints on forms supplied by the department, the fingerprints to be taken by any federal, state, county or municipal officer and the forms to be signed by such officer and stamped with an official stamp, or taken by any other person and the forms to be notarized;

(2) Applicant's employment record for the 10 years immediately preceding the date of application, listing type of employment and name and address of employer.

**History:** Cr. Register, June, 1974, No. 222, eff. 7-1-74; correction in (1) made under s. 13.93 (2m) (b) 5, Stats., Register, May, 1988, No. 389.

**RL 3.23 Photographs.** (1) Each person who applies for an original private detective license, or who applies the first time after July 1, 1974 for the renewal of a private detective license, shall supply with the application, in addition to such other pertinent information as the department may require, 2 full face, head and shoulders color photographs, no larger than one inch by one inch, with the applicant's name typed or printed on the back. The department shall affix one photograph to the official identification card and retain the other photograph in its files.

**Note:** See s. 440.05 (7), Stats.

(2) Each person who applies for a second or subsequent time after July 1, 1974 for the renewal of a private detective license shall submit one such photograph with the application.

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(3) Each photograph submitted shall fairly and accurately represent the appearance of the applicant at the time the application is submitted. If the department determines that its file copy of any photograph does not bear substantial resemblance to the photograph submitted with a license renewal application, it may request the submission of a new file copy.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; corrections in (1) and (2) made under s. 13.93 (2m) (b) 5 and 14, Stats., Register, May, 1988, No. 389.

**RL 3.24 Identification cards, badges, shields and stars.** The only official identification card for a licensed private detective is that which is issued by the department. Licensees shall not wear, use or display any badge, shield or star in the course of private detective activity, and shall not wear or display any identification card in the course of private detective activity other than the official card, unless the official card is worn or displayed as prominently as a nonofficial card.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

**RL 3.25 Minors not to be employed as private security personnel.** No agency shall employ minors as private security personnel.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; am. Register, December, 1978, No. 276, eff. 1-1-79.

**RL 3.26 Agencies to notify department of termination of private detectives.** An agency shall notify the department within 5 days of the termination of any agent in its employ, returning the agent's identification card or a written explanation of failure to return the card and specifying the reason for and date of termination.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

**RL 3.27 Private detective to receive new licenses before working for new employers.** A private detective leaving the employ of one agency and entering the employ of another shall not be assigned to private detective work by the new employer until he or she has applied for and received a new license.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; correction made under s. 13.93 (2m) (b) 5, Stats., Register, May, 1988, No. 389.

**RL 3.28 Private detectives not to be licensed to more than one agency.** A private detective shall not be licensed to more than one agency at the same time.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

**RL 3.29 Licensee's responsibility to maintain bond or liability policy.** Each licensee shall be responsible for maintaining the bond or liability policy submitted to the department before the issuance of a license. Failure to meet this responsibility shall be cause for the revocation of a license under s. RL 3.32 (10).

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

### Revocation of Licenses

**RL 3.30 Felony convictions.** The department shall, after notice and hearing, revoke a license upon proof that any person who signed the ap-Register, May, 1988, No. 389

plication therefor has been convicted of a felony after the issuance of the license.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

**RL 3.31 False statements in license applications.** The department shall, after notice and hearing, revoke a license upon proof that any person who signed the application therefor made a false statement in the application.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

**RL 3.32 Conduct reflecting adversely on professional qualification.** The department shall, after notice and hearing, revoke a license upon proof that the licensee or any person who signed the application therefor has engaged in conduct reflecting adversely on professional qualification. Such conduct is hereby defined as, without being limited to:

(1) The use of controlled substances or alcohol to the extent defined by s. RL 3.10 (2) (b);

(2) Conviction of any of the offenses named in s. RL 3.10 (2) (c), or conviction of any other misdemeanor or ordinance violation if the offense is directly and demonstrably related to fitness to hold a license;

(3) The operation of a branch, divisional or departmental office under a different name than that of the agency's principal office in this state, unless the branch, division or department has received a separate license;

(4) The use, wearing or display of a badge, shield, star or identification card contrary to s. RL 3.24;

(5) Pretending to be a peace officer;

(6) False or misleading advertising;

(7) Advising any person to engage in an illegal act or course of conduct;

(8) Any violation of regulations duly promulgated by the department relative to proficiency in the care, handling and use of firearms and other dangerous weapons;

(9) Employing any person who engages in any act or course of conduct for which the department may revoke the license of a private detective, if the circumstances are such that the licensee knows or should know that such person is engaging or has engaged in such act or course of conduct.

(10) Failure to maintain the bond or liability policy submitted with a license application.

(11) Neglect, failure or refusal to render professional services to any person solely because of that person's age, race, color, handicap, sex, creed, national origin or ancestry.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

**RL 3.33 Automatic suspension of private detective licenses upon revocation of agency license.** (1) Revocation of an agency license shall automatically suspend the license of every private detective employed by the agency at the time of the revocation of the agency's license.

(2) A private detective whose license is suspended by the department pursuant to sub. (1) may apply for reinstatement of the license upon employment by another agency, provided that the private detective was

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not a party to the act or course of conduct which caused the revocation of the agency license of a former employer.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; correction in (2) made under s. 13.93 (2m) (b) 5, Stats., Register, May, 1988, No. 389.

**Firearms and Other Dangerous Weapons**

**RL 3.40 Policy.** (1) No principal or employe of any agency shall carry on, about or near his or her person any firearm or other dangerous weapon when on duty, unless:

(a) The circumstances or conditions of his or her work give rise to a substantial need for being so armed; and

(b) The detective is currently certified under s. RL 3.41 as being proficient in the care, handling and use of such weapon.

(2) No principal or employe of any agency shall carry on, about or near his or her person any concealed firearm or other dangerous weapon at a time when on duty unless:

(a) That person is a peace officer as defined in s. 939.22 (22), Stats.; and

(b) The circumstances or conditions of the work give rise to a substantial need for being so armed; and

(c) The detective is currently certified under s. RL 3.41 as being proficient in the care, handling and use of such weapon.

(3) The department shall, within 30 business days of receipt of a certificate of proficiency required under s. RL 3.41, notify the person filing the certificate if the certificate fails to meet requirements in that section.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; am. (2) (a), Register, September, 1977, No. 261, eff. 10-1-77; cr. (3), Register, November, 1986, No. 371, eff. 12-1-86; corrections made under s. 13.93 (2m) (b) 5, Stats., Register, May, 1988, No. 389.

**RL 3.41 Certification of proficiency.** (1) Proficiency in the care, handling and use of a weapon shall be certified as to any principal or employe of an agency before assignment with the weapon and at least annually thereafter.

(2) Certification may be made by any person competent to attest to the proficiency of the principal or employe in question. It shall be notarized, and shall include, at least:

(a) A full and complete description of each type of weapon in whose care, handling and use the principal or employe is proficient;

(b) Statements to the effect that the principal or employe understands safety rules, range rules, and the procedures for the care and cleaning of each type of weapon with which he or she is proficient, and that he or she understands the legal limits on the use of such weapon;

(c) Proof that the principal or employe has met the minimum marksmanship standards set forth in the 1976 Wisconsin Law Enforcement Firearms Manual, published by the Training and Standards Bureau, Division of Law Enforcement Services, Wisconsin Department of Justice, State Capitol, Madison, Wisconsin 53702. The above-mentioned standard, which is hereby incorporated by reference, is available at the Register, May, 1988, No. 389



address above and at the offices of this department, the secretary of state and the revisor of statutes.

(3) A copy of each certificate in the care, handling and use of a weapon shall be filed with the department as soon as possible after issuance of the certificate.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; am. (2) (c), Register, September, 1977, No. 261, eff. 10-1-77; correction in (2) (b) made under s. 13.93 (2m) (b) 5, Stats., Register, May, 1988, No. 389.

**RL 3.42 Reporting.** If any principal or employe of any agency is responsible for the accidental or intentional discharge of any firearm (other than in target practice, competition, or licensed hunting), or the accidental or intentional use of deadly force by any means, the person shall as soon as possible notify the appropriate law enforcement agencies and inform his or her supervisor of the incident. The supervisor, or another person assigned by the agency, shall investigate the incident as soon as possible, and shall make a signed, written report of the incident, identifying all persons involved in the incident, the investigator, and the agency, and fully describing the circumstances of the incident. One copy of the report shall be filed with the department, and another with the local law enforcement agency, as soon as possible after the investigation is completed.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74; correction made under s. 13.93 (2m) (b) 5, Stats., Register, May, 1988, No. 389.

**RL 3.43 Violations of this subchapter to be causes for license revocation.** A proven violation of s. RL 3.40, 3.41, or 3.42 shall be cause for the revocation of the license of the agency, the employe (if a private detective) or both, under s. RL 3.32 (8) or (9).

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.