



INTERNATIONALE KOMMISSION DER DETEKTIV-VERBÄNDE
INTERNATIONAL FEDERATION OF ASSOCIATIONS OF PRIVATE DETECTIVES

To

IKD Delegates, IKD Members' Secretariats,
Private Investigators in the European Union
and Observers

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Common Minimum Standard
European Union



Licensing Investigations in the Private Sector

FINAL PAPER

A: Introduction:

Founded in 1964, the I.K.D., "Internationale Kommission der Detektiv-Verbände". (International Federation of Associations of Private Detectives) is an International Umbrella Body consisting of Associations of Private investigators and Security Practitioners throughout the world.

The Federation has its seat in Vienna, Austria and invites membership from National Professional organisations or representatives.



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The current membership of the IKD is: -

- **Austria** Österreichischer Detektiv-Verband *[Signature]* 7.10.2007
- **Czech Republic** Czech Chamber Of Detective Services *[Signature]*
- **Denmark** Foreningen Danske Detektiver & Erhvervsretterforskere *[Signature]* 5/10/07
- **Finland** Suomen Yksityisetsivä-Ja Lakitoimistoliittory *[Signature]* 18.9.2007
- **France** Syndicat National Des Agents De Recherches Privees *[Signature]* 5.10.07
- **Germany** Bundesverband Deutscher Detektive *[Signature]*
- **Germany** Bund Internationaler Detektive *[Signature]* 30.11.2007
- **Hungary** Hungarian Detective Association *[Signature]* 5.10.2007
- **Hungary** Hungarian Chamber of Bodyguards, Property Protection and Private Detectives *[Signature]* 05.10.2007
- **Israel** Israeli Bureau of Private Investigators *[Signature]* 5/10/2007
- **Italy** Federpol *[Signature]* 05-10-2007
- **Japan** Mr. Sumjo Hiroshima (Single Member)
- **Latvia** Bizness Droshiba (Single Member) *[Signature]* 5.10.2007.
- **Netherlands** V.P.B./Sectie A.R.S *[Signature]* 6-10-2007
- **Norway** Norsk Forening for Etterforskning og Sikkerhet
- **Portugal** R. Guerreiro Detectives (Single Member) *[Signature]* 05/10/07
- **Romania** Asociatia Nationala A Detectivilor Din Romania *[Signature]* 05.10.2007
- **Slovenia** Detektivska Zbornica Republike Slovenije
- **Spain** Asociacion Profesional De Detectives Privados De Espana *[Signature]* 5/10/07
- **Switzerland** Fachverband Schweizerischer Privat-Detektive *[Signature]* 20.10.07
- **United Kingdom** Association of British Investigators *[Signature]* 5/10/07
- **World Wide** World Association of Detectives Inc *[Signature]* 5/10/07

The IKD is focused on maintaining the highest standards meeting its code of ethics and promoting harmonisation of regulations and licensing process, particularly within the European Union.



B: Objective:

With its objectives in mind, the relative rapidity of expansion of the EU, and with it the introduction of varying licensing laws and procedures, the IKD has moved to explore a tolerable level of standards to recommend as applicable to each EU member state for investigations in the private sector when considering : -

- a. Implementing regulation
- b. Reviewing existing regulation
- c. Cross border activity

Where regulation exists or contemplated, some, but not total, control is effective. The absence of harmonized regulation, in a liberal cross-border free-market, creates confusion, unfair competition and an attraction to bad practice for the opportunists.

The objective of the IKD research and this resulting document is to communicate the IKD approved level for investigations in the private sector as a common minimum standard within the EU.



C: Definition:

The IKD definition for investigations in the private sector is:

Any surveillance, inquiries or investigations that are carried out on behalf of another, for the purpose of

(a) obtaining information and/or evidence about a particular person¹ or about the activities or whereabouts of a particular person; or

(b) obtaining information and/or evidence about the circumstances in which or means by which any property has been lost or damaged

The IKD definition covers the following services²:

1. Accident Investigations
2. Blackmail Investigations
3. False Accounting Investigations
4. Family Law Investigations
5. Forgery Investigations
6. Fraud Investigations
7. Loss Investigations
8. Intellectual Property Investigations
9. Legal knowledge
10. Litigation Support
11. Provenance
12. Repossessions
13. Status Reports
14. Surveillance
15. Theft Investigations
16. Tracing

¹ Person includes the individual and legal entities, corporate or otherwise

² The list of services is not exhaustive

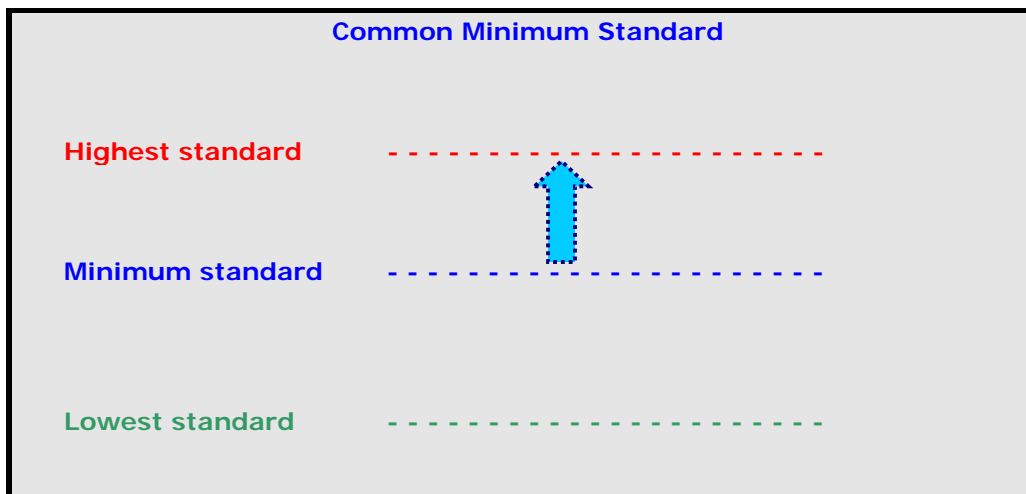


D: Common Minimum Standard:

In practice, of course, the existing minimum standard is zero regulated control and zero self-regulated or unregulated discipline. Where no regulation exists there are National associations, each with respectable code of ethics and in many instances disciplinary procedures, but membership and thus self-regulation through such an organization is by its very nature voluntary and representative of only a fraction of an unknown number of practitioners in their respective jurisdictions.

In contrast, where regulation is implemented the standards vary immensely from minimal to the upper level applied in Spain.

It is the express desire of the IKD membership (which includes the majority of National associations in the EU) that each EU member state takes into consideration the minimum standard recommended in this document. That start-point standard is designed to be realistic, achievable and sympathetic to the standards already in existence, whilst aspiring towards higher levels.





E: Extent of the Research:

The research for existing regulations for investigations in the private sector included the following countries:

- | | | |
|------------------|---------------|------------------|
| ❖ Austria | ❖ Ireland | ❖ Portugal |
| ❖ Belgium | ❖ Italy | ❖ Sweden |
| ❖ Denmark | ❖ Latvia | ❖ Slovakia |
| ❖ Czech Republic | ❖ Lithuania | ❖ Slovenia |
| ❖ Germany | ❖ Luxembourg | ❖ Spain |
| ❖ France | ❖ Netherlands | ❖ United Kingdom |
| ❖ Greece | ❖ Norway | |
| ❖ Hungary | ❖ Poland | |

F: Sources:

The research has been carried out using information provided by / sources from:

National Chambers of Commerce	Affiliated Unions
National Trade Commissions	Professional Organisations
EU Commission Information	Private Investigators' Associations
National Authorities	Internet Research

G: Findings:

The research showed:

- no existing common standard for the named countries.

Where regulation exists, the research showed:

- no set legislation / regulation
- different procedures
- variations in criteria
- inconsistent criminality tolerance
- no pattern in exemptions or how they be applied

The research did, however, reveal that in attempting to establish a common minimum standard the Convention for Protection of Human Rights and Fundamental Freedoms and its Amendments have to be considered



H: Status quo

The current position is that Private Investigators are either:

- 1: licensed, or:
- 2: unlicensed

The impact of the current status is as described above, confusing, unfair and open to abuse to the detriment of the sector and the consumer.

- 3: but where licensed, there is no cross-border harmony or agreed minimum standard.

I: Proposal:

A common minimum standard is proposed to consist of:

- Option 1: Personal Requirements
- Option 2: Probity (Fit and Proper)
- Option 3: Competence
- Option 4: Professional Indemnity
- Option 5: Code of Ethics
- Option 6: Exemptions to options 1 to 5
- Option 7: Validity



Option 1, Personal requirements:

Age 18 and of sound mind

Option 2, Fit and Proper / Integrity:

A clear current criminal record

- clear of recent relevant offences, as categorised in Annex "A"

Option 3, Competence:

Education and Practice: a minimum of 80 ECTS (European Credit Transfer System) related credits in lectures, practical work, seminars, private work, examinations or other assessing activities, awarded only when the course has been completed and all required examinations have been successfully taken, covering:

- Law
 - ✓ Criminology
 - ✓ Civil
 - ✓ Privacy
- Methodology



The required test of competency to cover:

- The ability to determine the objectives of an investigation
- Planning an investigation
- Communication skills (liaison with client and subordinates)
- Execution of the plan, gather information and assessing its value to the objectives
- Reporting techniques and forward thinking (ability to provide recommendations)

Each of these areas should be underpinned by understandable knowledge of relevant legislation, regulation and codes of practice.

Assessment of all of these areas could be through case studies, either actual or scenario-based.

Option 4, Professional indemnity:

- Insurance at a set minimum
- recommended minimum is €100,000

Option 5, Code of ethics:

The prevailing IKD Code of Ethics with the included obligation to maintain secrecy of given and obtained information as listed in Annex **"B"**



Option 6: Exemptions to options 1 to 5:

Exemptions to any of the Options be applied by the National licensing authority

Option 7: Validity:

The options to the common minimum standard apply:

- ✓ only when and as long as all requirements are met
- ✓ applicable within the EU member-states
- ✓ to individuals and/or companies applying for a license after December 31st, 2007

J: Recommendation:

The IKD recommendation for a common minimum standard is to apply all 7 options.



Annex "A", LIST OF OFFENCES:

- "Serious Arrestable Offences" under a Police and Criminal Evidence Act
- Offences considered as "Arrestable" under a Police and Criminal Act or other Evidence Acts
- Offences considered as "Offences" under other Evidence Acts

Juvenile offences

Offences committed as a juvenile offender will be considered as follows:

Age at time of offence	Offences considered
10-12	Serious arrestable offences only
12-15	Serious and other arrestable offences
16-18	All offences under the listed categories

Cross-Border offences

Offences committed in another Nation, which fall under any of the headings here listed, to be considered. Depending on the Information on the criminal record certificate provided, additional information may be needed.

Recency

Convictions considered are **all unspent under local Rehabilitation of Offenders Regulations** ~~those in~~
~~previous 2 years, save for "Serious" offences, 5 years.~~

Kommentar [T11]: 2008-04-18

The list of categorized offences considered relevant for licensing and classified under respective National Laws and Acts:

- Category 1 - Violence/Abusive Behaviour
- Category 2 - Espionage / Terrorism
- Category 3 - Offensive Weapons
- Category 4 - Firearms
- Category 5 - Dishonesty
- Category 6 - Abuse or Neglect of Children
- Category 7 - Sexual Offences
- Category 8 - Drugs
- Category 9 - Criminal Damage
- Category 10 - Privacy and Data Protection
- Category 11 - Offences under Private Security Legislation



Annex "B", IKD CODE OF ETHICS:

- 1) To perform all professional duties in accordance with the highest moral principles and never to be guilty of conduct which will bring reproach upon the profession of private investigation.
- 2) To conduct all investigations within the bounds of legality, morality and professional ethics.
- 3) To verify the credentials of clients and ensure that they have lawful and moral reasons to instruct the investigation.
- 4) To respect the privacy of clients and Data Subjects and their lawful confidences.
- 5) To respect the best interests of our clients by maintaining the highest standard of proficiency and reporting to them all the facts ascertained, save those withheld by the dictates of law.
- 6) To ensure that services and records are adequately secure so as to protect the clients' privacy and guard against the inadvertent disclosure of private information.
- 7) To ensure that all employees or other persons paid to assist in an investigation adhere to this Code of Ethics.
- 8) To work together with all members of the profession toward the achievement of the highest professional objectives of truth, accuracy and prudence and to guard the reputation of members of the profession.