



STATE OF WISCONSIN

Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dsps@wisconsin.gov
Web: <http://dsps.wi.gov>
Phone: 608-266-2112

Governor Scott Walker Secretary Dave Ross

Positions Statements Related to Private Detectives Issued by the Department of Safety and Professional Services

WHEN DOES A PERSON NEED A LICENSE TO ACT AS A PRIVATE DETECTIVE?

[Wis. Stat. §440.26\(1\)](#) states that a person needs a license if he or she acts, advertises, or otherwise represents that he or she is a private detective, private investigator, or special investigator.

DOES A PRIVATE DETECTIVE AGENCY NEED AN AGENCY LICENSE IF THEY HIRE A LICENSED DETECTIVE?

Ch [SPS 30.02\(1\)](#), [31.01](#), and [31.02](#), Wisc Admin Code provides that a private detective agency needs an agency license, even if the individual detectives hold a valid Wisconsin license.

DO OWNERS OF PRIVATE DETECTIVE AGENCIES NEED PRIVATE DETECTIVE LICENSES?

[Ch SPS 30 \(12\)\(4\)](#), Wisc Admin Code states that an individual or a member of partnership having a private detective agency license does not need an individual private detective license when not engaged in the work of a private detective.

DOES AN OFF DUTY POLICE OFFICER NEED A PRIVATE DETECTIVE LICENSE TO DO PRIVATE DETECTIVE WORK?

No, with certain exceptions. Among other things, off duty police officers need permission from their law enforcement department.

WHO QUALIFIES FOR LICENSURE EXEMPTION?

[Wis. Stat. §440.26\(5\)](#) states that the following categories of people do not need a private detective license to perform private detective work:

- attorneys, law students, or law school graduates employed by an attorney or a firm of attorneys
- any person employed by insurance companies or retail credit rating establishments
- any person directly or indirectly employed by the state or a municipality while acting within the scope of his or her employment
- any person working on the private property of industrial plants, sports stadiums, hospitals, etc as a private detective
- secret shoppers

- private detectives from another state in the pursuit of an investigation (with exceptions)
- an off duty law enforcement officer, when authorized by his or her department and when unarmed

CAN A PRIVATE DETECTIVE AGENCY OR A PRIVATE DETECTIVE CARRY A DANGEROUS WEAPON?

Wis. Admin. Code Ch SPS 34 establishes the standards for the use and transportation of a dangerous weapon. A dangerous weapon (as defined in Wis. Stat. §939.22(10)) can be openly carried by a private detective if he or she meets the other licensing requirements and no other statute or rule bars the carry or use of such weapon.

CAN A PRIVATE DETECTIVE WEAR OR USE A BADGE?

No, a private detective may not wear or use a badge. Please see [Ch SPS 33.05](#), Wisc Admin Code.

DOES AN OFF-DUTY POLICE OFFICER NEED A PRIVATE DETECTIVE LICENSE TO DO DETECTIVE WORK?

[Ch SPS 30.02\(12\)\(5\)](#), Wisc Admin Code states that an off-duty police officer does not need a private detective license when employed by a person or entity who has officially authorized the extension of the officer's functions. The hiring personnel at the officer's place of employment must have the extension in a written statement.

DOES A PERSON EMPLOYED BY AN INSURANCE COMPANY TO CONDUCT CLAIM INVESTIGATIONS NEED A PRIVATE DETECTIVE LICENSE?

[Ch SPS 30.02\(12\)\(6\)](#), Wisc Admin Code states that a person directly employed by an insurer and persons working as insurance adjusters under contract with an insurer do not need a private detective license.

CAN A PRIVATE DETECTIVE FROM ANOTHER STATE WORK IN WISCONSIN WHILE PURSUING AN INVESTIGATION?

[Ch SPS 30.02\(12\)\(11\)](#), Wisc Admin Code states that a private detective licensed in another jurisdiction may enter Wisconsin for the purpose of pursuing an investigation if he or she is accompanied by a licensed Wisconsin detective and he or she does not openly carry a firearm.

DOES A DETECTIVE AGENCY CONTRACTED WITH THE FEDERAL GOVERNMENT TO PROVIDE SECURITY OR INVESTIGATORY WORK FOR THE FEDERAL GOVERNMENT OR ON FEDERAL PROPERTY NEED A PRIVATE DETECTIVE LICENSE OR A PRIVATE DETECTIVE AGENCY LICENSE?

This depends on federal law. Any company who wishes to do business with the federal government should consult the federal agency or contracting entity involved for more information.

CAN A PERSON WITH A MISDEMEANOR CONVICTION OBTAIN A PRIVATE DETECTIVE LICENSE?

Yes, under certain circumstances and at the department's discretion. Please see [Ch SPS 31.02\(1\)\(b\)\(1\)](#), Wisc Admin Code.

CAN A PERSON WITH A FELONY CONVICTION OBTAIN A PRIVATE DETECTIVE LICENSE?

- No, unless the person has received a pardon. Please see [Ch SPS 31.01\(1\)\(b\)\(1m\)](#), Wisc Admin Code.
- No individual or member of a private detective agency may have been convicted of a felony, unless the individual or member received a pardon.