

# Private Investigation and You

Doug White, PhD, CISSP, CCE, PI  
Director, FANS Lab Roger Williams  
University

[dwhite@whitehatresearch.com](mailto:dwhite@whitehatresearch.com)

# The BIG PI Debate

- I am new to digital forensics and started a company as a 3rd party contractor performing digital forensics acquisition and analysis for my clients. Should I become a licensed private investigator in my state even if my state does not have a specific law telling me to do so? Why or why not?

# *Well...*

- If you can, do.
  - The license is an advertising plus
  - The license ends the whole issue
  - It does cost money and time
- It may not be possible
  - The license may simply not be obtainable in your locale (viz. MA)

# Main Issues

- If the state requires it
  - TX, SC, etc. – well
    - Get it
    - Hire a PI for your staff
- If there is no requirement
  - CO, WY, etc. -- Who cares!
- If it's not clear
  - Try and get it clarified by working with your legislators. Doug, Gary Kessler, Dave Kleiman have all done this.

# Note

- Most states exclude working for an attorney
- Most states exclude internal matters
  - Be careful how this is defined
    - Is internal inside the building or is it within the organization?
- But you need to find out.
- Be careful not to advertise as “investigations” or “investigator”

# Be Advised

- Don't rely on hearsay
- Doug is not an attorney!
- AG's change their opinions
- Work with your legislator and lobby to change these laws!
- Lonardo, T., Doug White, and A. Rea. 2008. "To License or Not to License: An Examination of State Statutes Regarding Private Investigators and Digital Examiners," *Journal of Digital Forensics*, 3:3.