

What You Need to Know When an Investigation Leads You to France



By Emmanuelle Welch – Once in a while, cases with exotic-sounding names land on your desk or in your inbox: a divorce case involving a French spouse suspected of hiding assets. A job candidate with credentials from a French institution or workplace that needs to be verified. A missing person believed to be living across the Atlantic. Time to sub with a Private Investigative agency in France and get ready for business transactions in a culture both familiar and alien to the American Private Investigator.

“The legal environment is so radically different in France that the job of private investigators here is almost not the same as in the United States,” says **Arnaud Pelletier**, founder of Agence Leprivé, an investigations agency in the greater Paris region. France has one of Europe’s most stringent privacy laws and tight governmental oversight on the small corps of active, licensed private detectives (estimated at less than 1,000, according to the largest French P.I. Union, S.N.A.R.P.). French investigative pros are quick to tell you that they have to know the law on their fingertips, at a level of subtlety difficult to grasp for first-time foreign partners. “Our clients from overseas are always surprised by the vast quantity of actions that are illegal in France,” says **Jean-Emmanuel Derny**, of Roche Investigations, an agency in Paris who also heads S.N.A.R.P. “We tell them: well, what you just asked me would be illegal here, but we’ll help you reach your objective legally, in a different way.”

The homeland of [Eugène François Vidocq](#), the nineteenth century former convict turned ground-breaking private investigator, France is in the process of polishing the image of its private investigators, known under the acronym ARP, for “Agent de Recherche Privée” (Private Research Agents). ARPs are submitted to a strict, nationwide licensing system with special bridges to former Law Enforcement. Attorneys are barred from conducting investigations, thus have to hire P.I.s for their investigative needs. But unlike in the U.S., French P.I.s rarely take part in criminal investigations. By law, they can’t investigate for a party during an ongoing criminal case, but can be hired in anticipation of legal action, or after a ruling in order to perform a counter-investigation. As a result, most P.I.s work on civil cases and, in the context of a deepening Eurozone crisis, business investigations.

Business investigations are also the baguette and butter of French P.I.s with international clients, who are often interested in background and pre-employment checks. That’s when private investigator **Jean C. Schmitt** does some explaining: “American partners ask us for online background checks that can be performed in a matter of minutes, using proprietary databases or credit reports... But these things don’t even exist in France,” says the founder of [France Investigations](#) in Paris, who is also the French Ambassador of the [World Association of Detectives](#). Adds **Arnaud Pelletier**, who also runs [Stratég-IE](#), a business intelligence consultancy firm: “Our American colleagues are always surprised to hear that private detectives in France have no more rights than the average citizen. Our only right is to ask for information from people without divulging our profession and the goal of our mission. Our investigations are based a lot on elicitation.”

And even though more public records are becoming available online, most retrievals require a visit to government agencies, sometimes repeated to get around a stubborn clerk. Given all these factors, a “people locate” starts at 500 Euros (655 USD), according to several professionals. But many other investigations are on par with Western rates, according to Anglo-Saxon professionals who have worked with French agencies in the past: “There were no surprises and costs were reasonable and agreed upon before assigning the case,” says Bob Heales, of [R.A. Heales & Associates Ltd](#) in Colorado. Most French P.I.s often charge anywhere between 60 and 90 Euros an hour (a price quote followed by “HT” means “before taxes,” to which foreign-based clients are not submitted), but that can go up to 120 or 180 depending on the location and specialty. When subbing for foreign colleagues, French detectives usually cut a special rate. “We have conducted many cases in France and found [our French partners] very competitively priced,” says New York investigator John Leto, founder of [JL & Associates, Ltd.](#)

In some cases, information can be gleaned perhaps more efficiently than in the U.S. Some public records, such as company registration, are chock full of data, as the French government requests the name and marital status of each founder, partner and stakeholder of a company. Pretexting is often referred to as a “phone scenario,” and can be performed legally within boundaries, with a good success rate as the French are generally rather trusting. As more French citizens resort to legal actions, **Jean C. Schmitt** senses that the public is getting more accepting of private investigators: “I find that by just introducing myself, I can obtain a lot of information in a straight-forward manner,” he says. Business investigations can be surprisingly revealing, says **Jean-Emmanuel Derny**, but domestic cases are more of a challenge: “Our biggest enemies are the movies: people have become more jittery,” says this former engineer, who has worked in the United States. “Criminals are easier to trail. I once shadowed a bandit for weeks and he never paid attention to me. But in divorce cases, people turn around in mere seconds!”

Leto's advice for selecting a French investigator: "Using different associations was the best route and continues to be the best route in getting an accountable colleague." French P.I.s with a good command of English tend to be members of international associations such as The World Association of Detectives (W.A.D) [full disclosure: I am a member] and signal their fluency with a webpage in English. When conducting surveillance in France with local P.I.s, Leto used his Italian to decipher signs: "The street signs were on the buildings, which I found unfamiliar. But breaking bread day in and day out, working in close quarters, seemed to make the transition go smoother." As in some other countries, "the French do like their meal breaks" he notices. "The funniest thing I find about the French, is that they don't like to sign anything that is in English," remarks John Moses of [Longmere Consultants](#) in England. He's had French investigators or bailiffs provide their court statement or certificate of service in French. "Not a problem... We simply get their statement translated." He describes an otherwise smooth experiences, from serving documents to carrying out land searches, property enquiries and people-locates.

In order to select an agency, the French P.I. Union [U.F.E.D.P.](#) recommends 4 steps:

1. Check if the agency is licensed by the French government.
2. Verify that the agency is insured (ask for "Assurance en Responsabilité Civile Professionnelle")
3. Check if the agency is registered as a legitimate company (it should have a 9-digit number called n° SIREN)
4. Make sure the agency complies with the law by using encryption technology ("logiciel de chiffrement") to communicate confidential information to the client.

Alas, checking the credentials of French investigative agencies is not as straightforward as it could be. P.I.s are not required to publish their license number ("Agrément Préfecture or préfectoral») on their website, yet many do and even [link to a PDF of the document](#). Websites usually mention membership to one or several of the French P.I. unions, which are another source to contact. License lookup should soon get easier, says investigator and union leader **Jean-Emmanuel Derny**. He is also the representative of the P.I. industry in a recently-formed government body called [C.N.A.P.S.](#) (**Conseil National des Activités Privées de Sécurité – National Council for Private Security Activities**). Private security companies, including P.I. agencies, are now depending on **C.N.A.P.S.** for authorizations, approvals, professional cards, inspections, and the imposing of sanctions. While controversial, seen as restrictive and taxing by some, this new regulatory system will improve the quality of private investigations in France, says **Derny**: "This will help us weed out the dishonest P.I.s, clean up the profession and elevate it to higher standards."

Emmanuelle Welch is a French-American private investigator in Washington, DC, founder of [French Connection Research](#). She has had no prior business relationship with any of the professionals interviewed and contacted them through associations and referrals.

SIDEBAR: Is that legal in France?

A quick roundup with Yves Conversano, private detective in Montpellier, owner of [A.R.I.A.](#) (Agence de Recherches et d'Investigations Aigle) and leading instructor at [IFAR](#), a state-sanctioned training center for private investigators (The following Q&A is for general information only and does not contain legal advice, as situations vary with many possible circumstances.)

Is running a surveillance on an employee legal in France?

Legal, under certain conditions, if the subject has signed an agreement allowing this practice at the start of employment. Surveillance is only authorized during the subject's working hours: for instance, the lunch break is considered private.

Surveillance on a spouse?

Legal, as long as the couple lives under the same roof. There are restrictions on unmarried couples. But to be clear, you can't put an internet date or someone you met at a night-club under surveillance.

Photograph someone in their home, from a public spot?

It's illegal to take photos on private property. You can't photograph a subject in his front yard, inside his car. But pictures can be taken in public places and can be used in court for insurance investigations and in civil cases, when required.

Put GPS tracker under a vehicle?

If the client is the owner of the vehicle, you can track it. Otherwise, it will be illegal.

Dumpster diving, when the trash is outside on a public sidewalk?

It is legal to retrieve evidence from the trash when it is in mixed in the truck. But if it is still in a private container, even on a public sidewalk, the trash is considered on private premises. If you are convinced that you will find evidence on private property, you have to ask an authorization to dumpster-dive from a judge.

In a nutshell?

It's never that simple, but in short: As soon as you get near the private sphere, you usually need judicial authorization. It's easy to make what I call a "judicial-technical mistake." That's why French P.I.s need to be intimately familiar with the law.

About the Author:

Emmanuelle Welch is a French-American licensed Private Investigator in Washington, DC. She specializes in bilingual investigations with her agency, [French Connection Research](#).

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