

D&A INVESTIGATIONS, INC.

PRIVATE INVESTIGATIVE AGENCY

LICENSE NO: A 2800031

WWW.DGATOR.COM

PHONE: 407.865.7152

FAX: 407.865.7158



Private Investigator Confidentiality, State of Florida

A Private Investigator may not do anything to breach the trust reposed in him or her by the Client. The Private Investigator Client relationship must be in good standing and without any disputes in order for the following to apply.

Business and Professions Codes require a Private Investigator to *"preserve the secrets of his client."* The term *"secrets"* is defined as *"information gained in the professional relationships"*. The consent of the Client is necessary in order to discuss the merits or any part of a Case.

A Private Investigator also owes a duty of candor to the court. *"It is the duty of a Private Investigator to employ such means only as are consistent with truth and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law"*. A Private Investigator must maintain the respect due the courts of justice and judicial officers. Further, a Private Investigator will not intentionally deceive a Judge the court.

A Private Investigator is not bound by fidelity to the Client to tell the court what he knows to be an untruth, and should ask the court to excuse him from answering the question.

The dissent emphasized the duty of candor, stating that the Private Investigator is not obligated to inform the court of the prior record. We believe the majority opinion is more persuasive. A Private Investigator may never intentionally mislead or deceive a Judge. A Private Investigator must also maintain the confidence of the Client. A Private Investigator should not reveal the Client's prior criminal record to the court and should not intentionally deceive or mislead the court. The Private Investigator should remain silent.

If the Private Investigator's silence appears to be relied upon by the court as an affirmation that there is no prior record, the Private Investigator is obligated by the duty of candor to inform the court that the silence is not intended as an affirmation, and that it is not appropriate for the Private Investigator to comment further.

It is the Committee's opinion that if the Private Investigator is expressly asked by the court whether the Client has a prior record, the record still should not be disclosed, but the Private Investigator should suggest to the court that other sources would be more appropriate to determine such information. The question, for example, might be deflected to the prosecution. Other responses which do not reveal the record and are not intended to deceive or mislead the court may also be proper.