



**IKD
Delegates Report**

Date: 31st March 2005

Country: SPAIN

Association Name: Asociación Profesional de Detectives Privados de España. (APDPE)
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URL: www.apdpe.org
Is it linked to IKD? Not yet (but it will be in short)

President Name: Javier E. Iglesias Date Appointed: 2001
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Secretary Name: Ángel Iglesias Date Appointed: 2004
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Delegate Name: David A. Sanmartin Date Appointed: 2004
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Association Membership Criteria:

- Practicing: holding a PD license.
- Non-practicing: University degree. Also, most employees having a license join the association in this category because of its lower cost.
- Probationary: Being student of PI at the University.
- Foreign: Evidencing professional practice.

In any case: Not having been disqualified.



Comments on Association Activities, if any:

Membership:

In 2004 membership has increased in 34 new members and 14 old members have retired.

Events:

The annual meeting took place in November in Bayona (Pontevedra, Galicia), with an attendance of 100+ members to the Assembly and 250+ persons to the dinner. During the Congress, a discussion panel with representatives of the Bar Association of Pontevedra, the private security sector, the Ministry of Interior, the High Court of Galicia, the Judges association and Public Attorney, took place. The main topic developed by the panellist was the investigation of public crimes by private detectives. All the represented bodies at the experts' panel sent congratulations to APDPE for the organization and development of the event, and advanced their support to legal amendments demanded by the sector.

Publications:

4 issues of the INFORMA newsletter.

Institutional relationships:

In 2004, there was a change in the Spanish government. The labour party (PSOE) won the elections. During this year, members of the APDPE' s board had meetings with the new public officers in charge in the Ministry of Interior, the Ministry of Justice and with the Police Director.

International Congress Attendance:

During 2004, APDPE representatives have attended the IKD meeting in Oslo (Norway) and the IV European Congress in Watford (UK). In addition, members of APDPE have attended the WAD meeting in Moscow (Russia) and reported the news accordingly.

Legal:

During 2004, APDPE has applied for amendments to 2 projects of law: Domestic Violence and Legal Aid. In both cases, we have asked for the possibility of providing PI services in those cases covered by legal aid.

Other relevant matters:

In 2005 the service time of the current board expires and elections to a new board



will take place in May. Most of the current board will opt for re-election, including Javier E. Iglesias, the current President.

Total No. Of Members:	Full:	347
	Associate:	N.A.
	Non-Practicing / employees	36
	Affiliate:	N.A.
	Consultant/Honorary/Life:	0
	Trainee (Probationary):	35
	Overseas:	23
Is there a Government License? :	YES	
If yes, under what authority? :	Ministry of Interior	
Name of Licensing Regulator:	Direccion General de la Policia	
If no, is regulation proposed? :	N/A	
Comments on Regulation, if any:	Main concern in the current regulation is the lack of personnel to provide some security services. According to legal regulation, security services on hotels, grand stores, fairs and similar areas without wearing a uniform are reserved to private detectives. Nevertheless, the requirement having passed a university degree to obtain a license and the requirement of holding a license to be employee on a PD firm jeopardize the possibility to develop and provide those services. There are only about 2.000-licensed PD, either managing PI firms or providing services for them as employees or self-employed. This is, obviously, a long way being an adequate amount to provide these services. As a result, several a-legal companies (not regulated by LSP) are offering and providing un-uniformed security services. Since the approval of the Private Security Law (LSP), APDPE (formerly ACBDP) has been requesting the creation of a separate license (with a minimum educational requirement, such as to simply pass an exam) for the personnel hired to provided these services under the supervision of a private detective (only for non-uniformed surveillance on the legally stated areas and not for investigation jobs). Other possible solutions have also been formulated, such as the possibility to hire man-guards (according to regulation, man-guards can only be hired by security companies) and a formal proposal to improve the current Law has been presented to the Spanish government. Nevertheless, the government has not yet initiated a specific action. We have also been informed about the interest of security companies to be allowed to offer the same services; so no short-term resolution is expected.	



On a different level, the second issue is the prohibition to investigate criminal offences. This possibility has been admitted by Spanish Courts (including High Court) in several decisions. Nevertheless, the Private Security Law (LSP) does not allow private detectives to act in this kind of investigations, which are formally reserved to the Police. APDPE considers that the conflict between LSP and Court Decisions must be corrected and has asked for a formal amendment of article 23 of LSP. Nevertheless, this is not a main concern for the Spanish government, who prefers to keep the current *status quo*: no legal modifications but Private Security Authority (a Police Unit) does not charge against private detectives for taking place in those investigations.

Finally, as explained above, APDPE is working to provide PI services on charge of the Legal Aid service (known as "Beneficio de Justicia Gratuita").

These three issues will be main concerns for APDPE during 2005.