

MY WEIRD PROMPTS

Podcast Transcript

EPISODE #251

Private Investigators: The Real Law Behind the Mystery

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EPISODE SYNOPSIS

Think private investigators are all trench coats and illegal wiretaps? In this episode, Herman and Corn dive into the legal boundaries of the PI profession, exploring why real-life investigators are actually private citizens with specialized research skills rather than rogue agents. From the intricacies of "one-party consent" to the shift toward digital OSINT, discover what it really takes to be a professional eye in 2026.

DANIEL'S PROMPT

Daniel

I've been watching "Strike," a show about a private investigator with a military background. In one episode, a character bugs an MP's office, which made me wonder: where do private investigators stand from a legal standpoint? They often engage in activities like bugging or wiretapping that aren't typical for an average citizen. Is the private investigation industry regulated, and do PIs have legal permissions to do things regular people can't? Also, what is the typical background for a private investigator? Is it common for them to have experience in law enforcement or the military, or do they come from other fields?

TRANSCRIPT

Corn

Hey everyone, welcome back to My Weird Prompts. We are coming to you from our home in Jerusalem, and today we are diving into a world that is often shrouded in trench coats and mystery. Our housemate Daniel sent us a fascinating prompt this week. He has been watching the show *Strike*, which is based on the Cormoran Strike novels by Robert Galbraith, also known as J.K. Rowling. In the show, the main character is a private investigator with a military background, and Daniel noticed some pretty bold moves. Specifically, he mentioned an episode where a character plants a bug in a Member of Parliament's office. It got him wondering about the actual legal reality of being a private investigator. Are they allowed to do that? Do they have a secret badge that lets them bypass the laws that apply to you and me?

Herman

Herman Poppleberry at your service. Daniel, you have hit on one of my favorite topics because the gap between fictional private investigators and the real-world profession is wider than the English Channel. The short answer to your question is a resounding no, but the nuances of how they operate within the law are where things get really interesting. To start, that bugging incident Daniel mentioned? That happens in the story *Lethal White*. And in the real world, if a private investigator did that to an M.P., they wouldn't just be out of a job; they would be looking at a very long stay in a high-security prison.

Corn

Right, because in movies and TV, we see them picking locks, wiretapping phones, and essentially acting like rogue intelligence agents. But if you or I did that, we would be facing serious jail time for trespassing and privacy violations. So, Herman, let's start with the big one. Does a private investigator license give you any special legal permissions that a regular citizen doesn't have?

Herman

This is the most common misconception. In almost every jurisdiction, from the United Kingdom where Strike is set to the United States and beyond, a private investigator is legally considered a private citizen. They do not have the power of arrest beyond a standard citizen's arrest, which is very limited and frankly dangerous for a P.I. to attempt. They cannot obtain search warrants. They cannot legally trespass on private property. And they certainly cannot plant electronic listening devices or wiretap phones. In fact, in many places, a private investigator is actually held to a higher standard of scrutiny because they are licensed professionals. If they break the law, they don't just go to jail, they lose their entire livelihood.

Corn

That is a huge distinction. So, when Strike or his partner Robin plant a bug, that is purely for the sake of television drama. But if they don't have special powers, why does the profession even exist? What can they actually do that I couldn't do myself?

Herman

It is less about what they are allowed to do and more about what they know how to do. Think of them as professional researchers and observers. They are experts at navigating public records, conducting surveillance from public spaces, and using open-source intelligence. While you could technically go to the courthouse and look up property records or sit in your car and watch a building, a professional knows exactly which records to look for, how to interpret them, and how to conduct surveillance without being spotted or harassed for loitering. They understand the art of being invisible in plain sight.

Corn

It sounds like a lot of what they do is legal but difficult. I'm curious about the regulation side of things. Daniel asked if the industry is regulated. I know it varies by country, but how does it look in places like the United Kingdom or the United States as of today, January eighteenth, twenty-twenty-six?

Herman

It is a bit of a mosaic. In the United Kingdom, the situation is actually quite strange. For years, there has been a push for the Security Industry Authority, or the S.I.A., to fully license private investigators. But as of right now, in early twenty-twenty-six, mandatory individual licensing for P.I.s in the U.K. is still in a bit of a legislative limbo. Most legitimate investigators in the U.K. register as Data Controllers with the Information Commissioner's Office, or the I.C.O., and join professional bodies like the Association of British Investigators to show they are ethical. In the United States, it is handled on a state-by-state level. Most states require a license, which involves a background check, a certain number of years of experience, and often a difficult written exam. Only a handful of states, like Mississippi, Wyoming, Alaska, Idaho, and South Dakota, have no statewide licensing requirements. Even then, cities like Cheyenne, Wyoming, might require a local permit.

Corn

I imagine those exams cover a lot of privacy law. If they are constantly walking the line between investigation and harassment, they must need to know exactly where that line is.

Herman

Exactly. They have to be experts in things like the Fair Credit Reporting Act or the Gramm-Leach-Bliley Act in the U.S., which governs how financial information can be accessed. One of the biggest areas of legal danger for a private investigator is something called pretexting. This is when an investigator calls someone and pretends to be someone else, like a bank employee or a utility worker, to get information. After some major scandals in the early two thousands, like the Hewlett-Packard boardroom spying case, laws were tightened significantly. Pretexting to get financial records is now a federal crime in the U.S.

Corn

That brings up the issue of consent. Daniel mentioned our recent discussion on consensual recording. How does that apply to private investigators? If they are following someone and they record a conversation in a park, is that legal?

Herman

That brings us to the one-party consent versus two-party consent laws. In a one-party consent jurisdiction, you can record a conversation as long as one person in the conversation knows it is being recorded. If the investigator is part of the conversation, they can record it. But if they are hiding in the bushes with a long-range microphone recording two other people, that is usually illegal eavesdropping because neither party consented. Furthermore, there is the concept of a reasonable expectation of privacy. This was established in the landmark case *Katz versus United States* in nineteen-sixty-seven. If you are shouting on a street corner, you don't have it. If you are whispering in your living room with the curtains closed, you do. If an investigator uses high-tech equipment to see or hear through those closed curtains, they are violating the Fourth Amendment in the U.S., or similar privacy laws elsewhere.

Corn

So the super-spy gadgets we see in shows like *Strike* are mostly a liability in real life. I want to pivot to the second part of Daniel's question, which is about the background of these investigators. Cormoran Strike is an ex-military police officer. Is that the standard? Do most private investigators come from law enforcement or the military?

Herman

There is definitely a strong pipeline from those fields. It makes a lot of sense when you think about the skill set. Strike was part of the S.I.B., the Special Investigation Branch of the Royal Military Police. These individuals are essentially the detectives of the army. They investigate everything from theft to serious assaults within the armed forces. When they transition to civilian life, they already know how to conduct interviews, how to preserve a chain of custody for evidence, and how to write detailed, objective reports. In the U.S., many states actually require several thousand hours of experience in a related field before you can even apply for a license. In California, for example, you need six thousand hours of paid investigative work. The easiest way to get those hours is to serve as a police officer or a federal agent first.

Corn

That creates a very specific culture within the industry, doesn't it? It's often seen as a second career for people who have put in twenty years in the public sector. But is that changing? Are we seeing people enter the field from other backgrounds?

Herman

We absolutely are. There is a new breed of investigators coming from the worlds of journalism, insurance, and even computer science. Think about how much of our lives is digital now. If you want to find someone today, you don't necessarily start by driving around their neighborhood. You start with O-S-I-N-T, or Open Source Intelligence. You look at social media footprints, domain registrations, and public databases. A tech-savvy investigator who knows how to navigate the deep web or track cryptocurrency transactions is often more valuable today than someone who is just good at following a car.

Corn

That's a fascinating shift. It moves the profession from the gumshoe on the street to the analyst behind a desk. But I suppose the physical surveillance part hasn't completely disappeared. If you're investigating insurance fraud or a cheating spouse, you still need that boots on the ground evidence.

Herman

Oh, for sure. Surveillance is still the bread and butter for many firms. But even there, the tech is changing. Drones are a huge topic of debate right now. Can a private investigator use a drone to look over a fence? In the U.S., the F.A.A. requires a Part one hundred seven certification for any commercial drone use, including P.I. work. But even with that certificate, you can't just fly a drone over someone's private backyard to take photos. That violates the reasonable expectation of privacy we talked about earlier. And then there are G.P.S. trackers. In the case United States versus Jones in twenty-twelve, the Supreme Court ruled that law enforcement needs a warrant to attach a G.P.S. tracker to a vehicle. For private investigators, the laws are even stricter. In many states, it is a crime to put a tracker on a car you don't own without the owner's consent.

Corn

It seems like the real skill of a modern private investigator isn't breaking the law and getting away with it, but rather knowing the law so well that you can find the legal ways to get the same result.

Herman

That is exactly right, Corn. A good private investigator is often part-detective and part-paralegal. They need to ensure that whatever evidence they gather is actually admissible in court. If they get information through an illegal wiretap or by trespassing, that evidence is fruit of the poisonous tree. It's useless to a lawyer because a judge will throw it out. So, the professionals are incredibly careful. They will spend hours documenting that they were on public property when they took a photo, or that they accessed a database through legal, paid means.

Corn

I'm thinking about the Strike example again. Daniel's prompt mentions corporate espionage. That feels like a different beast entirely compared to domestic cases. When we're talking about big companies spying on each other, does the legal landscape change?

Herman

It gets much darker and much more complex. Corporate investigators often work for massive global firms like Kroll or Control Risks. These aren't just guys in small offices; these are international agencies with thousands of employees. In the world of corporate intelligence, the gray areas are much larger. They might use competitive intelligence techniques that stay just on the right side of the law, but the ethics are often very blurry. For example, they might go through a competitor's trash once it has been placed on the curb. In the U.S., the Supreme Court case *California versus Greenwood* in nineteen-eighty-eight established that there is no reasonable expectation of privacy for trash left on a public street. So, dumpster diving is technically legal for a P.I., provided they don't trespass to get to the bins.

Corn

That's the classic dumpster diving move. It feels gross and unethical, but legally, it's often permitted. It's interesting how the law defines where privacy ends and public begins.

Herman

It really is. And that's why the military or police background is so helpful. Those people are trained to operate within strict procedural rules. They understand that the win isn't just getting the information; it's getting the information in a way that stands up to a cross-examination by a hostile attorney. If you look at someone like Cormoran Strike, his military background gives him a certain gravitas and a network of contacts, but it also gives him a methodology. He's not just guessing; he's following a process.

Corn

We've talked about what they can't do, but let's talk about what they can do that might surprise people. For instance, skip tracing. I've always found that term interesting. What does that actually involve?

Herman

Skip tracing is the art of finding someone who has skipped town, usually to avoid a debt or a legal obligation. This is where private investigators really shine. They have access to non-public databases that the average person doesn't. These databases, like LexisNexis or T-L-O-x-p, aggregate information from credit headers, utility bills, and change-of-address forms. While they can't see your actual credit score or bank balance without a court order, they can see where you've applied for credit, which gives them a trail of addresses. They are also experts at interviewing neighbors or former coworkers to piece together a person's movements.

Corn

So it's about connecting dots that are hidden in plain sight. I want to touch on the military background aspect one more time. Daniel mentioned that Strike was an investigator in the military. Is there a specific branch of the military that produces the most private investigators?

Herman

Usually, it's people from the Military Police or the Special Investigation Branches, like the S.I.B. in the U.K. or the C.I.D. in the U.S. Army. These individuals are essentially detectives within the military. They investigate everything from theft to serious assaults within the armed forces. When they transition to civilian life, the Private Investigator role is the most direct application of their skills. They already have the investigative mindset. They know how to look for inconsistencies in a story. They know how to remain patient during a twelve-hour stakeout.

Corn

That patience is something movies always skip over. They show the exciting five minutes of the stakeout, not the ten hours of eating lukewarm takeaway food and staring at a front door.

Herman

Exactly! Real private investigation is about ninety-nine percent boredom and one percent adrenaline. It is a lot of sitting in cars, a lot of scrolling through spreadsheets, and a lot of writing reports. That is another thing Daniel might find interesting—the report is actually the most important product. A private investigator is essentially selling a document that can be used in a legal proceeding. If the report is sloppy or full of assumptions, the client has wasted their money.

Corn

Let's talk about the gray market for a second. We've talked about the licensed, professional investigators. But surely there are people who operate entirely outside the law? The kind of people you might find on the dark web who claim they can hack an email account or tap a phone.

Herman

That is a very dangerous world. Most of those hackers for hire are either scams or are engaging in high-level felonies. If you hire someone to hack into your ex-partner's email, you aren't just a client, you are a co-conspirator in a federal crime. In the U.S., the Computer Fraud and Abuse Act is very broad and very strict. Real, professional private investigators will stay far away from anything involving illegal hacking. They might use digital forensics to analyze a computer that a client legally owns, like a company laptop, but they won't break into a system they don't have authorization for.

Corn

That's an important distinction for our listeners to keep in mind. Hiring a private investigator doesn't give you a get out of jail free card for illegal activities. If you ask an investigator to do something illegal and they agree, you are both breaking the law.

Herman

Absolutely. And honestly, a lot of the illegal stuff isn't even necessary if you are good at the legal stuff. If you want to know if someone is cheating, you don't need to hack their phone. You just need to watch them go to a hotel or see them meeting someone they shouldn't be meeting in a public park. The public evidence is usually more than enough for a divorce court or an insurance company.

Corn

So, looking back at Daniel's prompt, it seems the show *Strike* is taking some significant creative liberties with the law. Planting a bug in an M.P.'s office would be a massive scandal and would likely result in prison time for everyone involved. But the character's background—the military experience—is actually quite realistic.

Herman

Spot on. The background is the most authentic part. The actions are the Hollywood part. If a real investigator tried half the things *Strike* does, the show would be called *Strike: The Prison Years*. But that's the nature of fiction, right? We want the drama. We want the bugging and the high-stakes confrontation. The reality of sitting in a van for three days straight just doesn't make for great television.

Corn

I suppose not. But I think there's something even more fascinating about the reality—the idea that you can find out almost anything about anyone just by being incredibly diligent with public information. It is like a superpower that anyone can learn, but few have the patience for.

Herman

It really is. It is about the aggregation of marginal gains. One piece of public data might not mean much, but when you combine it with ten other pieces, a clear picture starts to emerge. That is the real magic of investigation.

Corn

This has been a really eye-opening look into a world I only knew through fiction. Before we wrap up, Herman, do you have any practical takeaways for someone who might actually be thinking about hiring a private investigator? Or maybe someone who's just curious about the field?

Herman

Definitely. First, if you're hiring one, check their license. Most states or countries have an online portal where you can verify that they are actually registered and insured. Second, ask about their background. A military or police background is great, but for digital cases, you might want someone with a background in forensics or journalism. Third, and most importantly, if they promise they can do something that sounds illegal—like getting bank records or hacking an account—run away. They are either a scammer or they are going to get you in legal trouble.

Corn

That's solid advice. And for those interested in the O-S-I-N-T side of things, there are actually some great free resources online to learn the basics of open-source investigation. It is a skill that is becoming useful in everything from journalism to fact-checking.

Herman

Oh, for sure. Sites like Bellingcat have amazing guides on how to use satellite imagery and social media to verify events. It is the same toolkit a modern private investigator uses.

Corn

Well, this has been an incredible deep dive. Daniel, thanks for sending in this prompt. It's always fun to peel back the layers on how much reality is actually in our favorite shows. To our listeners, if you have a question that has been bugging you—pun intended—or a topic you want us to explore, get in touch! You can find us at myweirdprompts.com where we have a contact form and links to all our past episodes.

Herman

And if you've been enjoying our brotherly deep dives, we would really appreciate it if you could leave us a review on Spotify or wherever you get your podcasts. It genuinely helps other curious minds find the show. We've been doing this for two hundred forty-nine episodes now, and the community of listeners we've built is just fantastic.

Corn

It really is. We love hearing your theories and your own weird prompts. We'll be back next week with another exploration of the obscure and the interesting.

Herman

Until then, keep asking those questions. This has been My Weird Prompts.

Corn

Thanks for listening, everyone. See you next time.