STATE OF NEW YORK
DEPARTMENT OF STATE

DETERMINATION

In the matter of a request that "investigative specialist" be designated an eligible profession for the purchase, sale, and use of body armor.

Date of designation: November 7, 2025

Legal framework

To purchase or take possession of body armor in New York State, an individual or entity must be engaged or employed in an eligible profession.[1] Pursuant to Executive Law section 144-a, the Department of State (Department) has created a process whereby individuals and entities may request that the profession in which they engage be added to the Department's list of eligible professions.[2] The Department has received a request that "investigative specialist" of the Office of the New York State Attorney General be designated as an eligible profession. Prior to adding a profession to the list of eligible professions, the Department must first determine whether the duties of the profession may expose an individual engaged in such profession to serious physical injury that may be prevented or mitigated by the wearing of body armor, or whether the duties of the profession are necessary to facilitate the lawful purchase, sale, or use of body armor.

Request

After receiving the request to designate the profession of investigative specialist as an eligible profession, notice of this eligible profession request was published on the Department's website whereby the public was invited to submit additional requests relating to this profession. No other requests relating to this request have been received by the Department.

Findings of fact and analysis

An individual or entity engaged in a profession in New York State that is not on the list of eligible professions may request that the Department add such profession to the list of eligible professions by filing a request with the Department.[3] If such a request is made, the Department undertakes a factual review of the request and issues a written determination. , Additionally, the Department may add a profession to the list of eligible professions if it determines that the profession meets the definition of eligible profession in 19 NYCRR §905.4(a). That section

[1] New York Penal Law § 270.21.
[2] See 19 NYCRR Chapter XIX, Part 905, generally
[3] 19 NYCRR 905.4(a).

specifically designates certain professions, such as police officer and peace officer, as eligible.[4] Here, the requestor specifically stated that the investigative specialists are not police officers, as defined in section 1.20 of the Criminal Procedure Law, or peace officers, as defined in section 2.10 of the Criminal Procedure Law. Therefore, based on the information from the requestor, they are seeking independent designation of the profession "investigative specialist" pursuant to 19 NYCRR §905.4(a). Therefore, the Department conducted a full review of the request and makes the following determination.

A "profession" refers to any occupation or line of work referenced or included within a category identified in the Standard Occupational Classification Manual published by the federal Office of Management and Budget (SOC Manual), or as otherwise described in a federal, state, or local statute or regulation.[5] The requestor identified code 33-3021 in the SOC Manual, which corresponds to the detailed occupation of "Detectives and Criminal Investigators" and includes the following duties:

> Conduct investigations related to suspected violations of federal, state, or local laws to prevent or solve crimes. Excludes "Private Detectives and Investigators" (33-9021).
>
> *Illustrative examples: Deputy United States Marshal, Homicide Detective, Narcotics Investigator*

As confirmed by requestor, the profession of Investigative Specialist (Law) is a full-time permanent or contingent-permanent position within the Office of the New York State Attorney General, classified as a competitive class position under New York State Department of Civil Service regulations [6] pursuant to the authority of the Civil Service Commission to promulgate rules for the jurisdictional classification of offices and positions in the classified service of New York State[7]and is a civil service position within the meaning of New York State Civil Service Law.[8]

Thus, investigative specialist meets the definition of profession.

Investigative specialists conduct investigations to gather, analyze, and report information to clients and/or employers regarding legal or personal matters. Their services include:

- Verify people's backgrounds
- Investigate crimes

[4] Under 19 NYCRR 905.1(d), the term "Eligible profession" means "police officers, as defined in section 1.20 of the Criminal Procedure Law, peace officers as defined in section 2.10 of the Criminal Procedure Law, persons in military service of the state of New York as defined in subdivision 5 of section 1 of the Military Law, or military or other service for the United States, and such other professions as designated and described on a list published by the department of state pursuant to the rules established by this Part."

[5] 19 NYCRR 905.1(f).

[6] 4 NYCRR, Part 2

[7] Civil Service Law § 6

[8] Civil Service Law § 2(5).

- Interview people to gather information
- Search online, public, and court records for civil judgments, criminal history, and other evidence
- Conduct surveillance, including surveillance of business operations
- Write reports detailing investigation activities, observations, and findings
- Share results of investigation findings with clients and/or employers

The work settings of an investigative specialist may depend on their assignment or case. For example, some spend time in offices to research cases, or they work in the field while doing surveillance. Others may work in stores to observe customers. The duties of an investigative specialist are similar to those of private investigators.[9]

The duties of an investigative specialist require individuals of that profession to collect evidence, conduct canvasses and locate and interview witnesses in the field. Similar to process servers, they may also be called upon to serve court papers and subpoenas on parties to a claim. The requestor asserts that this often involves entering private property to make service on individuals with prior confrontations with employees of the state. Additionally, the requestor explains that investigative specialists conduct investigations for various bureaus of the Office of the Attorney General and perform various duties involving state-wide initiatives. These duties include undercover operations including making purchases at, conducting covert recordings and surveillance, of diverse establishments including unlicensed cannabis shops, health clinics performing reproductive care, federally licensed firearms dealers, and shops selling untaxed cigarettes. According to the requestor, "[m]any of these tasks mirror those performed by sworn police and peace officers throughout the state of New York."

After review, the Department agrees that the investigative specialist's duties are similar to those of a police officer and peace officer, both of which have been statutorily deemed eligible professions. Further, the Department also concludes that some of the duties of the investigative specialist that may expose the investigative specialist to serious physical injury that may be mitigated by the use of body armor are similar to the duties of process server and private investigator, both of which the Department has previously added to the list of eligible professions.[10]

Like the profession of process server, investigative specialists' duties may require them to engage in serving court papers and subpoenas. The Department explained in its process server

[9] See determination approving "private investigator" as an eligible profession, which states that a private investigator is someone who conducts investigations to gather information with reference to any of the following matters: crime or wrongs done or threatened against the government of the United States of America or any state or territory of the United States of America; identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation or character of any person, group of persons, association, organization, society, other groups of persons, firm or corporation; the credibility of witnesses or other persons; whereabouts of missing persons; location or recovery of lost or stolen property; causes and origin of, or responsibility for fires, or libels, or losses, or accidents, or damage or injuries to real or personal property; or securing of evidence to be used before any authorized investigating committee, board of award, board of arbitration, or in the trial of civil or criminal cases [General Business Law §71(1)].

[10] *See*, January 13, 2023 Process Server determination and August 3, 2022 Private Investigator determination.

determination that "considering the emotionally charged and reactive environment in which process servers practice, in addition to several past incidents of violence against process servers, including assault with a firearm, and specific criminal sanctions addressing assault against process servers in both state and federal penal codes, it is reasonable to conclude that the profession of process server may expose an individual engaged in such profession to serious physical injury that may be prevented or mitigated by the wearing of body armor." Further, like the private investigator, an investigative specialist may be required to investigate criminal matters. As the Department concluded in the private investigator determination "investigating criminal matters may place a private investigator at risk of physical harm by criminals who may try to cover up their crime in order to evade law enforcement." Additionally, the investigative specialist's other duties, such as involvement in undercover operations which involves making purchases, conducting covert recordings and surveillance of diverse establishments including unlicensed cannabis shops, health clinics performing reproductive care, federally licensed firearms dealers, and shops selling untaxed cigarettes, also may expose individuals in that profession to gunfire.

Determination

The information set forth above supports a determination by the Department that the profession of an investigative specialist may expose individuals employed in that profession to serious physical injury, and that such serious physical injury may be prevented or mitigated by the wearing of body armor.

Based on the foregoing facts and the requirements of Executive Law §144-a and 19 NYCRR Part 905, the Department designates the profession of "investigative specialist" as an eligible profession for the purchase, sale, and use of body armor and has added such profession to the Department's list of eligible professions.