

**The Business and Security e-Journal**  
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The *Business and Security e-Journal* is for senior management, and focuses on areas of business risk that affect their domestic and international bottom line.

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**1. Due Diligence — Residential and small-commercial construction**

Design and construction errors are not uncommon. In particular, building materials and practices have come under closer scrutiny as the building boom, now into its 5<sup>th</sup> year, is beginning to show that buildings, constructed only a few years ago, have major construction deficiencies and problems. The exercise of due diligence during the planning, design, and construction phases of a project is proactive, and will help reduce the likelihood, extent, and cost of errors.

Developers and large industrial corporations with extensive facilities have recognized the need for reliable methods to check inconsistencies before they are carried to expensive and time-consuming extremes, and so should you. All aspects of a project should be assessed, with special emphasis on

the following: Seismic resistance system, structural system, electrical and mechanical systems, and construction material and practices.

Before construction materials are made available, they are first run through a highly complex, and extensive engineering, testing, and review process. This review process is usually conducted by a number of independent testing laboratories, and the results are reviewed by professional societies such as the American Society for Testing and Materials, (ASTM) and the International Conference of Building Officials, (ICBO). Reports of the testing results and the Professional Societies' findings are published and updated regularly. These reports, often referred to as ASTM Standards, ICBO Reports, and Uniform Building Code Standards, and state the minimum recommended standards for the use of the materials.

Architects and engineers refer to these Standards, and specify them in their plans and specifications. Once these specifications are made part of the construction documents for a building project, it is incumbent upon the general contractor, all of the specialty contractors, and all of the materials suppliers to comply with the specifications.

But they don't always do this.

In order to say a few bucks, some small contractors may not compact the soil properly when they build a house or a driveway, may use lesser-gauge reinforcement bar in the concrete, may use a poorer grade concrete or, more commonly, lay a slab that is thinner than required. They may use lower grade piping material, a lower grade solder and flux, or lumber that is still green and subject to warping and shrinking after it is installed and dries. All of these have happened in homes that were built in the recent boom.

Due diligence on well-designed and specified building need not be a large-scale project, and will avoid unexpected capital outlays in the future. The result is a safer, more functional, building. In home construction, due diligence is an easy process, but one that you, the customer, must initiate: While you may have code inspectors to make sure you meet legal minimums, you need a materials-and-methods inspector to oversee all phase of construction, from the moment the dirt is touched to the moment the keys are handed to you. The investment is minimal, usually no more than \$1.00 per square foot, and from our point of view \$1,500 is a small price to pay to be sure that a home or office of 1,500 square feet, that may sell from 150,000 to 500,000 dollars, is properly constructed.

But keep in the back of your mind that contractors can be held liable for patent defects (defined as defects that are plainly visible, or that can be

discovered by an inspection made with ordinary care and prudence) for up to four years after project completion. For latent defects (A latent defect is one an owner does not know about, and would not be expected to discover through the exercise of reasonable care), the statute of limitations is in many states now ten years from completion. Completion is usually timed from either the issuance of the certificate of occupancy or the last day a contractor's worker was on the premise doing work.

## **2. OPSEC, Economic Espionage, and Competitive Intelligence — The P&G/Unilever caper**

When something bad has happened, it is *never* appropriate to blame the victim. And yet, there are certain cases in which our genuine horror and sympathy remains the same, but our level of astonishment (how could this have happened?") may be tempered by our knowledge of the victim's actions if they are guilty of, as one friend has put it, "acting stupid in the smart zone." As an example, if a smoker friend gets lung cancer, our horror and sympathy is high, but we don't really ask ourselves how this could have happened. Equally, if someone we know who refuses to wear a seatbelt is killed in a survivable automobile accident, our horror and sympathy is high, but we don't wonder how this could have happened, either.

The same thing happens in the world of business. Let's look at the recent incident of what has been identified as a "rogue" competitive intelligence action on the part of P&G against Unilever, over, of all things, hair care products (which should give you pause if you thought you were safe because of the nature of your product), using techniques against which the *e-Journal* has been warning for years.

Let us start by saying that what was done violated P&G's standards, and that, as soon as chairman John Pepper found out about it, he fired those involved (and possibly a number of those not involved), and told Unilever.

Let us note also that had Unilever hired LUBRINCO (or some other competent OPSEC shop) to do an OPSEC audit and develop an OPSEC program, or had Unilever had even a rudimentary OPSEC program in place (which apparently they didn't), *none of the actions taken by the P&G crew would not have produced any useful results*. In other words, while we are sorry they were rear-ended by the other car in the parking lot, we sure wish they had bothered to fasten their seat belts.

What did the P&G people do? As best as we can see, they did dumpster diving, and asked Unilever employees questions.

Now here's the deal: Unilever – and, based on our experience, probably your company – throws out a lot of very sensitive information which would be of great value to your competitors (in this case P&G). You – and Unilever – have some reasonable expectation of privacy for this data *while it is sitting on your property*, and that it will be perfectly secure until it is off your property, at which point your competitors can reasonably take it. It's sort of like when you put books, magazines, and furniture in the street on Trash Day your neighbors feel free to take them, and you feel free to let them.

In this case, however, it would appear that the P&G subcontractors may have trespassed, taking Unilever's sensitive data from their property, which would be the equivalent of your neighbors coming into your backyard and looking in the cans before you put them on the street. Trespassing is *déclassé* and probably a misdemeanor, and these guys could possibly face a fifty dollar fine!

The other thing the P&G subcontractors apparently did was misrepresent whom they were when interviewing Unilever people. While not illegal, this sort of lying – sometimes referred to as pretexting (it sounds more socially acceptable, plus it is more-awkward to say “Pretexter, pretexter, pants on fire”) – is both *sub dig* and unnecessary in competitive intelligence, since most people, when asked, will, sadly, answer.

Have either P&G or Unilever started OPSEC programs? We don't know.

Does your company have an OPSEC program? If not, perhaps you should drop us a line.

### **3. Executive Protection — Vetting luggage on corporate jets**

Security on private aircraft is frequently relatively low on the food chain. While we are often horrified at the poor security protection given corporate aircraft, particularly when not at its home airport, today we are concerned with the issue of luggage.

Luggage on corporate jets presents an interesting problem. On the one hand, passengers are generally in the trusted category. On the other hand, because of the nature of the clientele, we sometimes keep less-good track of what luggage belongs to whom, and it has not been uncommon to find luggage on board which doesn't actually belong to any of the passengers. This is not good. In fact, it is bad.

While you might think it is bad because it might be a bomb, this is not our *primary* concern in this article. Rather, our primary concern is that if

luggage or a package not belonging to a passenger ends up on board (intended to be picked up by ground crew at the destination), and if it contains some sort of contraband, and if it is discovered by customs at the destination, you will have two sets of problems.

First, you – and possibly your client – will have to deal with the actual issue with customs and local law enforcement, something that will probably not sit well with your client. Second, you will be forever marked in the computer as needing a higher level of inspection, and will suffer unnecessary hassle on your every trip, something that will probably not sit well with your client.

Obviously, you cannot, in the normal course of events, search the luggage of your passengers. You can, however, identify every piece of luggage and make sure you know to whom it belongs. If you have a piece of luggage that nobody on board claims as their own, it should be turned over to the police or left at the departing airport. Either way, it shouldn't go with you.

#### **4. Technical Issues — Technology Down on the farm**

It is difficult to imagine a connection between farming and the cloak-and-dagger activities of the Central Intelligence Agency (CIA), but farmers have begun to benefit from instruments designed by the agency to fight wars and for counter espionage activities.

- Farmers constantly fight a war on crop-eating insects, and a system developed to detect trace amounts of dangerous chemicals are being tested for use by farmers to detect traces of pheromones (chemical scents produced by insects) in their fields. Indication of strong insect enemy presence will allow the farmer time to plan a response.
- USDA researchers say catfish farmers could use a similar system to detect “off-flavor” in their ponds. Off-flavor, caused by certain types of algae, produces a musty flavor in catfish, which is a big negative for the farmer.
- Cotton farmers could also see a benefit from U.S. war technology. Researchers say extremely sensitive radar systems, designed to detect enemy soldier and tank strength, is being adapted to help farmers chart cotton growth in the field.
- Listening devices designed for the CIA to hear distant conversations are being used to actually hear insects feeding on crop leaves, a sound most farmers would rather not hear.

- Even NASA might be able to help the U.S. food production effort: A system they have developed to chart weather patterns is adaptable to detect plant stress and measure soil moisture.
- Satellite mapping and remote sensing have developed methods to predict the size and quality of crops. Avocado trees emit different light signatures that correspond the bounty of avocados held within their boughs. The quantity of avocados can be an important planning tool for the farmer. He can decide whether to hold on to the crop and sell when they are ripe (hoping for a greater price, or forward contact at a good price if he thinks what he has is the best he will get.

Technology and agriculture have long been partners in progress. Today's farmer is always looking for ways to be more efficient, cut costs and work smarter. Many instruments and techniques developed for war and espionage can help the farmer fight crop losses and make better-informed decisions on crop marketing.

## **5. Real Stories from the Field — Illegal guns**

There are three subjects that we try to avoid discussing, because they traditionally pit a moral view against an ethical view, and thus do not lend themselves to discussion. These are, in *alphabetical* order: abortion, gun control, and using (or not using) a comma before the final “and” in a series.

In terms of the second, and least inflammatory, of these issues, most of you who have been readers of the *e-Journal* know that neither editor of the *e-Journal* keeps or carries a gun for self defense. Additionally, we do not recommend the carrying of guns by protective teams for most domestic protective work and much foreign protective work.

This being said, we must note the sad truth that in situations where you need a gun, there is very little else available that will serve as an adequate substitute, and that a gun, legal or illegal, is what you are liable to wish you had at that instant.

As an example, some time ago a young woman came home from college for vacation. Her father, significantly more paranoid than are we, asked her to stick one of his handguns in her purse, just to be safe. Although the girl knew how to shoot, she thought this was dumb – as well as patently illegal – but, to placate her dad, stuck the gun in her purse, and headed off to the mall to meet her friends.

Some time later in the day a man grabbed her, and attempted to drag her into his car. In the struggle, the girl shot and killed her attacker. As it turned out, her attacker was a serial rapist/killer. This not being a metropolitan area, the girl was not charged with either illegal possession of a weapon (this was a place where *felony possession* means possession during the commission of a felony, rather than merely having a gun without the attendant paperwork, as is more common in big cities) nor with homicide.

This incident points out one of the practical (which is to say non-philosophical, i.e., not related to Second Amendment issues) complexities of the gun debate. On the one hand, an American dies from a gun accident roughly once every 9 hours, and from a gun homicide roughly once every 29 minutes, which is bad. On the other hand, an American uses a gun to stop a crime roughly once every 13 **seconds**, which is not so bad.

Well, *we* don't think it is so bad: In all fairness, at least one major American church has taken the position that taking a life is bad (with which we agree), and that it is better for a woman be raped than to kill her attacker in self defense (with which we disagree). This is obviously an issue that you must think about and decide for yourself, preferably before the fact. And we believe it is perfectly reasonable to decide that there is no circumstance in which you would take a life, not even if it meant losing yours.

We suggest, however, that you should still master your defensive options, including learning to shoot, as you cannot make a valid moral decision to *not do* something unless you actually have the option to do it available to you.

Thus, for example it would lack moral content for us, your editors, to say that we, *ourselves*, would never, not ever, perform needless surgery.

## **6. Book and Product Reviews**

*The Reid Technique of Interviewing and Interrogation*®

*The Advanced Reid Technique*® Program

John E. Reid and Associates, Inc.

<http://www.reid.com/> 1-800-255-5747 or 1-312-876-1600

It is a sad truth that sometimes people do bad things. In general, they are not too quick to admit this. This is true whether it is a child being caught with his hand in the cookie jar, or a suspected criminal.

John Reid and Associates have been leaders in developing interviewing techniques to help (along with case facts) in isolating those who might be guilty, and of then getting them to confess. The techniques are appropriate

for both custodial and non-custodial situations, which is to say they are appropriate for both law enforcement and the private sector. The rate of success using the Reid technique is high.

While they do have a book on the subject, discussed below, as with most things, the best way to learn is from the people who do it, and the three day course, followed by the one day advanced course, is the ideal way to either refine your existing skills or pick up the base-set of skills to start.

It is important to note that interviewing and interrogation are somewhat different skills, and that, while some may be good at both, it is quite possible that any given individual may, for some reason or another, be unsuited for either or both.

One of the major concerns expressed throughout the course was a concern with somehow getting an innocent person to confess (Primarily likely with children, those with severe psychological problems, or the markedly less-intelligent. Interviewing is likely to be appropriate even with these, albeit with great care, but interrogation is likely to be totally inappropriate.) An additional concern was that nothing either illegal or coercive could be done: It is important that the subject, even in a custodial situation, must have the opportunity to eat and drink when appropriate, use the bathroom as is reasonable, and rest as appropriate. And benefits for telling the truth must not imply either leniency or avoiding possible consequences.

Note that while the term *interrogation* conjures up visions of the Gestapo torturing confessions from captives, or turn of the century cops using bright lights and rubber hoses, in fact, in the Reid system, it is a tool for determining the truth, rather than forcing a confession. Thus, while a guilty person might be given a rationalization for admitting guilt, an innocent person (save, perhaps, to protect a guilty loved-one) is unlikely to confess under this system. To take a clear example, if you, gentle reader, had molested your baby granddaughter, you would likely be looking for some way to justify the action in your own mind, and the interrogator could use this. On the other hand, there is nothing the interrogator could say that would convince you, an innocent grandparent, to falsely admit to molesting your beloved grand-daughter. Because of this, clearing the innocent is as acceptable and desired a result as is getting the guilty to confess.

The courses are extremely well prepared, the training materials are professionally done, and the instructors are knowledgeable, competent, experienced, and well prepared. You come away with information, a structured approach to interviewing and interrogation, and even an attractive

pad of forms to help structure what you will be doing when dealing with suspects. Your level of success in obtaining good and defensible confessions from the guilty will go up.

If you are involved in the area of interviewing people about possible crimes, we consider the Reid Technique to be in the must-have category.

*Criminal Interrogation and Confession, Fourth Edition*

Fred Inbau, John Reid, Joseph Buckley, Brian Jayne

<http://www.aspenpublishers.com/> ISBN 0-8342-1775-9 656 pages \$64

While there are many advantages to a course, a book – particularly a book this thick – has the ability to include a tremendous amount of detail that you might well miss in a class. You can think of it as the course notes you would have taken if you were in the-best-of-all-possible worlds. In addition, a book can include material ancillary to the class, and this book includes sections on giving testimony relating to the use of these techniques, as well as sections on the legal issues surrounding interrogation and confession.

The book covers some issues in greater depth than does the course, and this editor came away with a better understanding of how appropriate non-accusatory interviewing can not only help you identify the *innocent* (a concern and priority), but allow you to move naturally into interrogation without the subject walking out or invoking his Miranda rights in a custodial situation.

If you have taken the training we would advise reading this book. If you are an experienced interviewer or interrogator who has not taken the training, we would also advise your reading this book. If you are an innocent person, with circumstantial evidence pointing at you, trapped in a criminal justice system ill-equipped to deal with the innocent, hope your investigator has been trained by Reid.

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