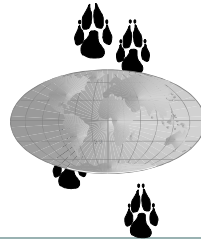


The



Tracker

Volume 1, Issue 1

Jan, Feb. March 2004

“Before widespread use of the Internet, stolen product could almost always be found within 25 to 50 miles of the crime, Brandman says. Now thieves are using the Internet as a high technology flea market, selling to buyers all the way across the country”.

Controlling workplace security

Refrigerated Transporter, Jan 1, 2004

WORKING as an investigator in a food warehouse for six months will teach security experts more than they would ever learn in four years of college or in any continuing education seminar that they could possibly attend later in life. Many warehouse workers have little if any formal education, but hold advanced degrees in street smarts, says Barry Brandman, president of Danbee Investigations.

The heads of major food distributing companies may have Ivy League educations, but the people who work in the warehouse understand the systems just as well. For every process put in place to

control workplace security, the workers have five ways to beat them. “One of my first cases as an investigator was with a company that was losing more than \$30,000 month, an amount that nearly put it into bankruptcy,” he said. “That was 30 years ago, and still today we learn new tricks all the time from the people we’re trying to catch.”

In today’s environment, any discussion of food warehouse security takes on more importance than simple theft. For the past two years any security discussion now must include product tampering and sabotage as topics, Brandman says.

low even for those who get caught, because the criminal justice system is inadequate in dealing with this sort of crime. The criminal who steals a whole trailer load of food, worth possibly \$1 million, probably will spend three to six months in jail. In contrast, the felon who gets caught importing \$1 million worth of cocaine is sentenced to 10 to 20 years

Counterintuitive as it may seem with the national focus



on security, theft from food distributors is increasing, he says. Damage from theft rises as the value of commodities increases. With more emphasis on convenience foods and all sorts of fresh products, food distributors are handling higher priced merchandise than ever before, Brandman says. Low risk, high reward

in a federal institution. This difference in sentencing provides no disincentive for food theft, because, by the time the case is finished, the thief probably will be let go for time served during the trial, he says.

Dishonest workers have always been a threat to the

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The Tracker is Published quarterly by Projects Investigative Services .
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While the value of merchandise is rising, most companies do a poor job of protecting assets against theft. This simply compounds the problem. The rewards of theft from food distributors are high compared to the risks of getting caught, because most security programs simply do not work, Brandman says. The risk is

SERVING PROCESS: Public or Private?

I often hear a common question asked of the various court clerks while doing research at the courthouses: "Why have a Process Server serve my papers instead of the Sheriff?"

The answer tends to be more complicated than the clerks' explanations.

First there are three ways to serve process and three ways to have the process served.

Process can be served by personal delivery, by mail, or by publication. To have any of the above completed, the use of the Sheriff's Department, a Registered Process Server, or a private party must be employed. The circumstances will make the determination as to how it will be done.

The Sheriff's Department serves all types of process both civil and criminal. The civil divisions serve Summons, Writs, Liens, Attachments, and Executions among many other types of civil papers according to the California Code of Civil Procedure and the Government Code. Cost is \$30 as mandated. They go where you tell them to and make several attempts (usually three) and either get it served or return it to be served at another time.

Registered Process Servers do the same thing and are only restricted from serving a very few specific types of writs also according to the CCP. Cost is anywhere from the same \$30 up and sometimes include mileage. The similarities end here, however. A process server has the option of making the decision of when, where, and how, the process

is served, and how many times it is attempted. Theirs is not a nine to five job.

Many process servers do the skip tracing and set up surveillance or stakeouts in order to get the process served and make more attempts. This is what you pay for. The Sheriff's Office has neither the time nor the manpower for this type of personal service.

A Private Party is anyone, not the Sheriff, not an RPS. This could be a friend, spouse, co-worker, employee either paid or not paid. If paid, they can only serve a total of 10 per year without being registered as a process server. The exception to this is, a private investigator or an employee of an attorney is exempt from registration.

Determine what you need in advance and then make the decision.

For further reading: CCP §413.10-417.40 & B&P §22350-22360
[Http://www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)

Controlling workplace security Cont.

food industry. However, most of those were amateurs who committed crimes of opportunity. Today, the rewards of food theft are so great that organized crime rings are getting into the business, Brandman says. Many of these organizations have switched to stealing from food distributors, because it is too risky for them to continue importing drugs. Since homeland security efforts have put more emphasis on securing the borders, the success of drug interdiction has increased. The alternative is

to steal inside the country, still make huge profits, and not have to worry about border security, he says.

These organizations work in several ways. They still use the old-fashioned method of stealing trucks off the street, but, more and more, they plant their members inside food distribution companies as employees, Brandman says. Once these people are inside the company, they can study the security methods at leisure and develop ways to ex-

plot them.

Electronic flea markets

The Internet has made food theft less risky. Before widespread use of the Internet, stolen product could almost always be found within 25 to 50 miles of the crime, Brandman says. Now thieves are using the Internet as a high technology flea market, selling to buyers all the way across the country. A lot of stolen product is transported unknowingly by small parcel carriers. The farther away from the scene of the

crime loot is sold, the lower the chances of being caught become. Once thieves find an easy way to convert stolen merchandise into cash, the buyers will motivate the sellers to steal more and more, he says.

Law enforcement is not going to chase food thieves from state to state, Brandman says. In the first place, they run out of jurisdiction as soon as the product crosses a state line. "Second, federal law enforcement is not much inter-

ested in food inventory theft," he says. "Calling the FBI about inventory theft probably won't even result in a return phone call. Food theft just is not a high priority for them."

However, more federal legislation to protect the food chain is in the works, because groups that are committed to harming the US are looking for ways to penetrate the food supply chain, Brandman says. New laws will be designed to protect the integrity of product

brought into the country.

Food warehouses are easy to target, because food distributors place too much trust in the effectiveness of camera systems, guards, and alarms, Brandman says. These systems have their place in the overall scheme of security, but they will not protect against internal theft. For instance, alarm systems are turned off when the building is in operation, but that's when most theft takes place, he says. Cont pg 3

Security Cont from pg 2
Ineffective guards

“Most guards couldn't find a thief in prison,” Brandman says. “The companies that depend on guards to protect against internal theft are in deep trouble.”

Camera systems don't work all that well either, because most food distributors do not assign anyone to spend several hours a week doing nothing but watching video monitors, Brandman says. To make matters worse, if the theft looks like standard operating procedure, which most theft does, chances are that it can happen right in front of a camera and no one will ever notice.

Distribution companies hire their own problems, because most background screening programs are inadequate, Brandman says. “Human resources may have a name and address, but they

really don't know who they are hiring,” he says. “In a tight job market, distributors hire workers out of desperation, and that desperation hiring comes back to haunt them.”

To make matters worse, a wholesale warehouse is the perfect environment for large-scale theft. Retail stores simply do not offer the same opportunity to be rewarded for stealing that the average wholesale warehouse offers, Brandman says. In a wholesale environment, all a thief has to do is take the time to get a job. Then he is surrounded by thousands of cases of high value product. The rapid pace of warehouse activity makes it easy to steal without attracting any attention, because most of the time theft looks exactly like normal procedure with products moving in and out of the building constantly. The truth is that most

security systems are cosmetic rather than meaningful, he says.

Join us next issue for the conclusion to Controlling Workplace Security.

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January 2004
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LEGISLATION

In November Congress passed the re-authorization of the Fair Credit Reporting Act.

The legislation includes the text of HR 1543 introduced by Rep. Pete Sessions, R-TX.

This language exempts employers from making disclosures and obtaining permission from suspects prior to ordering an investigation from a third party investigator. If the President signs the legislation, employers will only be required to provide a summary

of the investigation report to the employee rather than a complete copy of the report.

These changes in no way affect pre-employment investigations or other employment investigations that do not involve suspected employee misconduct. Those investigations fall under the purview of the FCRA.

Backgrounds

Speaking of the FCRA here are some helpful guidelines for conducting pre-employment background investigations.

Written Notice and Authorization. An employer must notify the individual in writing - in a document consisting solely of this notice - that a report may be used. You also must get the person's written authorization before you ask a CRA (Credit Reporting Agency) for the report.


If you rely on a consumer report for an "adverse action" - denying a job application, reassigning or terminating an employee, or denying a promotion - be aware that:

Step 1: Before you take the adverse action, you must give the individual a

adverse action disclosure that includes a copy of the individual's consumer report and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act"

Step 2: After you've taken an adverse action, you must give the individual notice - orally, in writing, or electronically - that the action has been taken in an adverse action notice. . It must include:

Backgrounds Cont pg. 4



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Helpful Web Sites

California Association of Licensed Investigators
www.cali-pi.org

Professional Investigators of California
www.pica-association.org

California Department of Consumer Affairs
www.dca.ca.gov

Calaw
www.leginfo.ca.gov/calaw.html

Backgrounds Cont.

- the name, address, and phone number of the CRA that supplied the report;
- a statement that the CRA that supplied the report did not make the decision to take the adverse action and cannot give specific reasons for it; and
- a notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and his or her right to an additional free consumer report from the agency upon request within 60 days.

Continued in the next issue of The Tracker

Situations

Go Ahead and Laugh

Tomorrow morning is garbage day so I thought I'd pick up my debtors trash a little early. Got the black clothes on to hide in the shadows and rubber gloves so I don't leave any prints, (okay, you can only make it sound so glamorous, I was going dumpster diving).

As I pulled into the debtor's court I cut the lights so I wouldn't shine into his bedroom. I was going to swing through, stop next to the trash, load the trunk and bail.

Unfortunately I didn't get that far. The neighbor had been doing some landscaping and had a pile of river-rocks in the street. If I had my headlights on I would have seen them but I had to be James Bond and fly stealth.

I managed to land my car on top of the pile in such a way that all four tires were off the ground. I spent quite some time in the mud and rocks trying to shovel them out from underneath, but no luck...

The Redemptive Part:

Debtors son got up to go to the bathroom and saw my lights out front so he decided to have a smoke. Nice kid. Told me all about the protein drink his father had invented and what company manufactures it. It was all news to me. Gave me names, locations and lots more useful info. He even got into his struggle with cocaine and his numerous trips to rehab.

He then helped me free my car and had me pull into the driveway to help me hose my car off.

I may not be the smartest rock in the pile but people just seem to open up to me.

Shane Parkins

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