

Security Experts: Litigation and Beyond



The featured expert this month is Robert A. Gardner, CPP, a board certified security management professional and multi-state licensed private investigator. With more than 35 years of experience, Gardner provides security related consulting and investigation services to both public and private sector clients. He also serves as a forensic security consultant and expert witness.

Gardner offers suggestions for effectively selecting and utilizing qualified security experts both inside and outside the courtroom.

Q How can a security expert help me? I don't handle security-related litigation.

A It's true that security experts are most often retained for litigation. Expert opinions on issues of crime foreseeability, security adequacy, and security standards and practices can make or break a case. As such both plaintiff and defense attorneys are constantly in search of qualified security experts. But while the attorney who prevails for a client in litigation may be appreciated, the attorney that can keep a client out of litigation is a true hero.

Recommend that your clients retain a security expert to assess security adequacy and needs before something bad happens. This proactive approach increases your clients' level of security and reduces their liability exposure. Your clients rely on you to protect them. Be proactive; be a hero.

Regardless of the focus of your practice, there may be a place for a qualified security expert in your legal tool kit. Consider making these suggestions to your clients:

- Have a qualified security expert conduct periodic surveys of your clients' property, their management practices and their policies and procedures. This will identify security weaknesses before they create a problem. Include both business and residential locations.
- Before moving to a new business or residential location or committing to any real estate purchase or lease, have a qualified security expert evaluate the safety of the surrounding area and the physical security characteristics of the property.
- If security vendors such as alarm companies or guard services are used, have an independent qualified security expert evaluate their application and periodically audit their effectiveness. An independent qualified security expert should also perform a technical

review of all security related bids and contracts.

- In employment situations, have a qualified security expert review policies and practices with regard to employee selection and screening, employee honesty, and workplace violence prevention and response.
- If your client is a public figure, celebrity or senior business executive, have a qualified security expert conduct periodic threat assessments and assist in developing a protection plan for the client, the client's family and his home.

The above list is not exhaustive of the areas in which a qualified security consultant can help you protect your client's interests but it provides a starting point.

Q Litigation: When should I retain an expert?

A The short answer is "immediately." If retained early, a qualified security expert can assist you in developing your theories by identifying issues of importance; perhaps some you may not have considered. They can also help formulate questions and provide other guidance during the discovery process. Late retention forces your expert to work with the—sometimes inadequate—informa-

tion you give them. Early retention lets them help you get the information they need.

Q Is my security expert qualified?

A The security profession is a collection of specialties. While there are basic concepts common to all, each specialty requires its own unique blend of training and experience. Unfortunately many so-called security experts claim almost universal expertise and often make claims that their documented training and experience can't support. Look for the following in a qualified security expert:

- **Professionalism:** Membership in associations such as ASIS International and the International Association of Professional Security Consultants is an indicator of professionalism. Certifications such as the Certified Protection Professional (CPP) or Physical Security Professional (PSP) designation are also indicators; as are professional licenses, provided that they relate directly to your issue.
- **Issue Specific Training and Experience:** Regardless of their academic education, a qualified security expert must have advanced technical training and extensive hands-on work experience dealing with your specific **security issue**. Avoid the common mistake of automatically equating law enforcement experience with security expertise. Unless assigned to a special security function, most law enforcement personnel have little or no qualifying training or experience in the security disciplines.
- **Communication Skills:** Knowledge is useless if the expert can't convey it clearly and intelligently both verbally and in writing.

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