



# ASIS Councils NEWSLETTER

LAW ENFORCEMENT LIAISON COUNCIL  
JUNE 2007



## LEADERSHIP 2007

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Council Vice-Chairperson:  
**Dr. Kenneth R. Grover**

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**Esq.**

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**CPP: jfa@tds.net**

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#### Transitional Training

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**Stacy Irving, Mr. Walt**

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### **SEE:**

**"ASIS Dynamics"**

**for committee**

**contact**

**information.**

## LELC: OPENING REMARKS

*From the Desk of Dr. Ken Grover, Vice Chairman*

It is truly an exciting time to be a member of the LELC! The members of the council are involved in numerous partnership activities throughout the United States with local, state and federal law enforcement groups. The "transition" project is making great headway in working with the Philadelphia Police Department and local Police Union. The program is scheduled for a "roll-out" presentation on May 31<sup>st</sup>, 2007. The Operation Partnership study is cruising along and LELC Member Bill Cunningham believes it will be submitted to COPS in the near future. Look for its' release sometime later this year.

We continue to receive requests for the LELC PowerPoint from numerous local chapters many of which have requested a LELC member visit as well. We will try to contact any area members of the LELC with such requests. Target and its "Safe City" Program have a number of projects scheduled for implementation through the country in the next three years. LELC involvement seems to be a logical commitment to enhance the partnership" mission of our committee and ASIS. If you or your local ASIS Chapter is working on a project make sure you take a few minutes to share it with the rest of us. This newsletter is a great vehicle for such information.

## TARGET & BLUE – Law Enforcement Grant Program

**Target** Department Stores Program: **TARGET & BLUE**, "Extending a Hand of Partnership to Law Enforcement".

*From the Editor, Jim Fetzer, CPP*

Continuing in our series covering the **TARGET STORES TARGET & BLUE** Program, our focus this month is on **TARGET'S Sting Trailer Program**. In support of law enforcement **Target** provides a decoy merchandise trailer during cargo theft investigations.

"International Cargo Theft Ring"

"Undercover detectives conducted a controlled delivery of "Targets Sting Trailer" to a designated warehouse." The merchandise and trailer were valued at \$50k. The merchandise and was purchased for \$13k and the trailer for an additional \$3k. The cargo was to be sold to an organized theft ring in Mexico and the trailer was to be shipped to El Salvador".

"Three subjects were arrested and the investigation is ongoing."

Next month we will focus on the **TARGET & BLUE** "Technology Donations".

## **“SAFETY Act ” Offers Limited Liability for Anti-terror Technology**

*From the desk of Ms.Gail M. Simonton, Esq. LELC Guidelines Committee Chairperson*

Security practitioners are increasingly aware of a relatively new program administered by the U.S. Department of Homeland Security (“DHS”), the **Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (“The SAFETY Act” or “the Act”)**. Codified as Title VIII, Subtitle G of the Homeland Security Act of 2002, this program established liability protections for sellers of "qualified anti-terrorism technologies" as incentives essential to foster development and deployment of anti-terrorism technologies.

In the aftermath of 9/11, as the damages were assessed, it quickly became clear that the losses far exceeded amounts covered by insurers and federal emergency funds. In recognition of the extraordinary liability exposure in developing and marketing any anti-terror technology, not to mention the research and design expenses for new technologies, the Act eliminates or mitigates tort liabilities for sellers of anti-terror technologies. To qualify for such protection, the anti-terror technology provider must apply for DHS approval (“designation”) of the product (including services), certification of the product, and certification of the company’s insurance program.

### **SAFETY Act Benefits**

Is this certified status worth the investment of resources necessary to meet DHS requirements for submission and approval? Consider the following protections:

Anti-terror technology has been defined to include not only hardware and software, but also services and methodologies.

With DHS certification of Anti-terror Technology comes also a presumption that the seller/provider is entitled to immediate dismissal of lawsuits filed after an act of terrorism. Such lawsuits can only be filed in federal court, where any liability is capped. Punitive damages will not be allowed. These benefits apply not only to the seller/provider, but also to the seller/provider’s subcontractor, vendors, distributors and clients, including the U.S. Such protections may also apply outside the territorial United States if the “harm” is to persons, property or entities in the United States.

Additionally, some legal authorities note that taking advantage of the Act’s shield, particularly in publicly-traded companies, is a matter of corporate responsibility and competitive market edge. Viewing the Act’s availability in the light of the increased scrutiny of corporate accountability to shareholders, the cost benefit of seeking such protection seems prudent for a growing number of companies.

Editorial Note: Statements of fact and opinion in the foregoing article are the responsibility of the author and do not imply an opinion on the part of the officers or members of ASIS International or the Law Enforcement Liaison Council. Readers are cautioned not to attempt to solve specific problems solely on the basis of information contained in this article.

### **QUESTIONS/COMMENTS:**

Any LELC questions or comments contact Dick Chase, Chairperson at [Richard.E.Chase@usdoj.gov](mailto:Richard.E.Chase@usdoj.gov) or LELC Newsletter questions or comments contact Jim Fetzer, Editor at [jfa@tds.net](mailto:jfa@tds.net)



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