

# **RESPONSE LAW, LLC**

*presents*

## **LIABILITY EXPOSURE CREATED BY SPECIAL EVENTS**



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# THE CHANGE IN CLIMATE

# MAJOR SHIFT IN RISK PARADIGM

- Mental Health-Driven Violence
- Extremist-Generated Domestic Terrorism
- Acts By Employees or Ex-Employees
- Extension of Domestic Disputes

# WHAT NO LONGER MATTERS

- Size of the Municipality
- Size of the Event
- Low Crime Rate
- Cultural Innocence of the Event

*“I never thought this could happen  
in a sleepy little town like  
Seaside Park after Labor Day”*

# **GENERAL RISK MANAGEMENT CONSIDERATIONS**

- All Events are Magnets for Personal Injury/Property Damage
- All Events Need an Emergency Management Plan of Record
- All Events Need Safety Screening
- All Events Need Insurance Coverage

# INTERNAL OPERATIONS & FACILITY PROTECTION

# HESITANCY TO REPORT

- Fear of Violating Confidentiality
- Fear of Discrimination
- Dismissing What Appears to be Normal
- Fear of Being Wrong

# PEOPLE ARE NOT SUSPICIOUS

- Activity
- Behavior
- Clothing
- Carried Items



# FACILITY PREPAREDNESS

- Shared Knowledge of Building Layout
- Visitor Accessibility
- Multiple Escape Routes
- Realistic Use of Security Technology

# CRISIS PREPAREDNESS: POLICY vs. PLAN

# POLICY

- Desired Goals
- Anticipated Challenges
- Best Efforts
- The Legal Notice Warning

# PLAN

- Protected by Operational Security
- Subjected to Constant Change
- Based on Timely, Credible Intelligence
- Authored by Those Who Have to Implement

# PLAN – SECTION 1

## Foresight

- Year-round Plan & Checklist
- Permit Process
- Crisis Contingency Budget
- Dependable Links w/Private Partners

# PLAN – SECTION 2

## Functionality

- ◉ Establish & Test a Clear Chain of Command
- ◉ Implement Scenario-Based Tabletop Drills
- ◉ Incorporate Lessons Learned
- ◉ Set Up Periodic Repetitive Training

# PLAN – SECTION 3

## Flexibility

- Assume Plan Failure – Partial or Whole
- Test Backup Plan – Allow for Options
- Assume Erosion of Outside Assistance
- Test Mutual Aid Agreements

# PLAN – SECTION 4

## Follow-up

- Debrief Immediately
- Debrief Again
- Goal: How Can We Improve Management Performance?
- Edit Plan Accordingly



# HIGH-RISK EVENTS

- Active Shooter
- Explosive Devices
- Vehicle-Born Attack
- Chemical Agent
- First Responder Injury or Death

# DEVELOPING A “DOCUMENTALITY”

- Track Decision-Changing Conditions
- Track Accuracy of Intelligence
- Track Social Media Misinformation
- Track IAP Timeline
- Track Deployment Effectiveness
- Track Resource Allocation

# VARIABLES THAT CREATE THE LEGAL FOG

- People
- Weather
- Unanticipated Events
- Resource Failure
- Plan Failure
- Communications Breakdown

# THE ROI

- Reduction of Physical Risk
- Reduction of Liability Exposure
- Reduction in Costs
- Reduction in Post-Event Voter Backlash

# PRESS CONFERENCES

- Accurate Scheduling
- Clear, Concise Information
- Stay on Message
- Avoid “No Comment”
- Avoid “Off the Record”

# DUTY OF CARE

- Must Make a Good-Faith Effort
- Avoid Being Result-Oriented
- Focus: Attempt-Oriented
- Document Attempts, Not Just Results

# QUALIFY ALL DECISIONS

- “As of this Time and Date”
- “Under the Current Circumstances”
- “Based on Information Received to Date”
- “Investigation is Ongoing”