

HOSPITALITYLAWYER.COM PRESENTS



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SPECIAL CONSIDERATIONS FOR SECURING CRITICAL MASS EVENTS AND ATTRACTIONS

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- Represents clients involved in the amusement, sports, recreation, and leisure industries
- Defended a number of products liability cases involving jet skis, boats, sports and exercise equipment and pyrotechnic devices.
- A founding member of International Amusement and Leisure Defense Association

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- Represents the firm's hospitality and travel law clients throughout California.
- Serves as National Litigation Counsel to monitor litigation and acting as Regional Litigation Counsel
- Has represented hotel, restaurant and travel related clients in a broad range of claims including premises liability, inadequate security, foodborne illness, environmental and toxic claims, franchise and management agreement litigation, and Americans with Disabilities Act

PREVIEW

- Nature of Event?
- Recurring Venue or Event? (Sports Stadium, Amusement Park, Hotel, et al).
- Special Event? (Political Convention, Festival, Concert, Olympics, et al).
- Since “special events” involve many unique issues of security, our discussion is going to focus more on recurring venues, events, or where large numbers of people gather, on a regular basis.
- Most of the things that we discuss apply to special events as well.

WHAT IS THE THREAT LEVEL?

- **The International Association of Assembly Managers (IAAM) recommends a 4-tiered system to establish threat levels at special events, venues or facilities.**
 - **1) Identify potential threats;**
 - **2) Gauging potential damages from such threats (impact analysis);**
 - **3) Determining the likelihood of these threats occurring; and**
 - **4) Developing cost estimates and actions to prevent or minimize the threats.**

RISK AND THREAT ASSESSMENT

- No matter what reason large numbers of people will be at your facility, venue or event, the first evaluation that must be made is – What risks and threats exist?
- Terrorist Attack
- Extreme Protest (religious, political, or other)
- Civil Disruptions
- Cyber Attack (protecting Personally Identifiable Information)
- Injury to persons, spectators, guests etc.
- Damage to property, buildings, equipment, etc.
- Crimes
- Weather or Natural Disasters

WHAT ARE THE “LEVELS” OF RISK?

Exhibit 2. IAAM's Suggested Risk Levels at Special Events

DHS Rating	Risk Level	Venue Threat	Security Measures	Action Steps
Severe	5	Cancel	Secured	“Lock down” patrol perimeters restricting access
High	4	Maximum	Government Control	National law officials/security agencies screen public and take control
Elevated	3	Elevated	Restrictive	May involve regional or local law officials with “pat down” measures
Guarded	2	Moderate	Protective	Limited access to venue with screening precautions implemented
Low	1	Minimum	Routine	No primary factors of concern exist outside normal routine measures

ENTRANCE SCREENING

- Metal Detectors
- Bag Checks
- Other

SECURITY

- USE IN-HOUSE OR RETAIN OUTSIDE SECURITY COMPANY?
 - Pros vs. Cons?

HIRING OUTSIDE SECURITY

Shifting the risk of loss by written contract

- Indemnity Provision
- Insurance Provision
- Additional Insured Endorsement vs. Certificate of Insurance
- Specific provisions re screening of hired staff (background checks, etc)
- Licensing requirements and compliance
- Number of security personnel, deployment, etc.

IN-HOUSE SECURITY PERSONNEL

- Qualifications
- Screening
- Training
- Oversight
- Retention of Police Personnel
- Collaboration with local law enforcement

SECURITY

- Video Surveillance
- Number of Security Personnel
- Deployment and duties
- Training
- Communications
- Chain of Command

PLAN FOR “WORST-CASE” SCENARIOS

- Has your staff been trained to handle a “worst-case” scenario?
- Has the training involved “practice” or “mock” scenarios?
- Avoid a “disconnect” with the training and “real-life” situations
- Do you have an Emergency Response Plan?
- Do you have appropriate medical staff? Properly trained?
- Can medical/EMS personnel gain access to your facility?
 - Coordination with local fire department or ambulance personnel?
 - Accessibility to your venue or facility?
 - How far is the nearest trauma center?
 - Do you have AED’s on site?

SPECIAL ISSUES FOR VENUES OR FACILITIES NEAR PORTS OR WATERWAYS

- **Maritime Transportation Security Act of 2002**
 - Federal law that requires businesses near ports and waterways to implement certain procedures to protect against Terrorist Attack
 - Conduct Vulnerability Assessments
 - Develop Security Plans
 - Establish Restricted Areas
 - Installation of Security Equipment

SPECIAL CHALLENGES FOR INTERNATIONAL VENUES

- What Law Actually Applies
- Are there any specific Regulations, Tariffs and or Governmental Rules that apply
- When to engage “local counsel” on International Venue Issues
- What if Lawsuit is filed in United States but incident location is International
- When to consult with US State Department or other Federal Government Agency

FRANCHISES

- Brand Protection for Franchisor
- What are the Brand Standards—if any related to Security or Loss Prevention
- What Trade Secret and or Financial Privacy Issues Exist in Franchise Documents
- Whose Insurance—Franchisor or Franchisee will defend claims
- What are the obligations for Franchisee to obtain dismissal of Franchisor or does the Franchisor have independent exposure

MEDIA RELATIONS

- **When to Consult with In House or Outside Media Relations Experts**
- **Who “Speaks” for the Company and when**
- **Who “Controls” the Company Message**
- **Social Media and use in Crisis Management or Risk Management Issues**