



## Fern Abbott - Is "observe and report" the best policy for protecting your facility?

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In January 2010, a fifteen-year-old girl was attacked and knocked to the ground, where she was kicked and punched by another teenager while her purse was stolen by yet another. Three uniformed security officers tasked with protecting the Seattle Transit Authority's location stood by and did nothing to stop the brutal attack or the theft.

The video, which can be seen on [youtube.com](http://youtube.com), made national news and drew heavy criticism for the security officers, whose instructions were not to engage or intervene, but to "observe and report." It also generated a protracted discussion among security professionals on [Linkedin.com](http://Linkedin.com). Wrong or right, the public's perceptions of the value security personnel provide were lowered when this video was released.

If the purpose of having security is to protect your facility, I can't help but wonder:

1 - Doesn't protecting your facility include protection from the possibility of lawsuits for negligence?

2 - Is the liability only in acting - or also in failing to act?

If the security officers had intervened, would the assailants have sued the Transit Authority or the contract security company for assault or bodily harm? The laws of many states provide a justification for the reasonable use of force to protect another, but someone who intercedes to protect another runs the risk of a lawsuit, justified or not. Many insurance companies will settle to make the problem go away instead of vigorously defending, simply because it's cheaper to do so.

The security officers are in a "dammed if you do, dammed if you don't" position. Should their instructions be only to "observe and report," they're damned by the public for not interceding because they followed instructions, and for possibly putting the client at risk for being sued by the victim of an assault. If they disregard those instructions and come to the aid of someone being attacked, they run the risks (1) of being fired for violation of policy or disregard of post/client instructions, and (2) again, placing their client at risk for suit - by the assailant(s).

Also at issue is not necessarily training per se, but communicating what is expected of the security officer. If these officers were told to protect the physical property, but not told that they could intervene when someone on the ground was being attacked, then the fault lies with management.

"Well, that goes without saying," doesn't cut it. Nothing goes without saying.

Many people will do only what they're told to do, and have what's called a "clerk mentality" - "If I'm not told I can, then I don't," instead of a mentality that thinks: "I haven't been told I can't, so I can -or will- if I have to." Granted, this may lead to certain "hot dog" or gung-ho types going overboard, but that's where training and again, communication come into play.

What's a company to do? Well, either way, you're likely to get sued, so think about this: would you rather be sued for having security officers on your premises who've been instructed not to intercede (read that as: stand by and do nothing to physically intervene when someone is being assaulted on

property that you thought was valuable enough to protect), and also be tried in the court of public opinion, or be sued by the assailants of the victim your security officer(s) protected- assailants who might have been or probably would be arrested as a result of that assault?

Think about it - how would you feel if your company's post instructions were "observe and report," and they did just that - while your spouse, parent, teenager, or your biggest client (none of whom are company employees) was being assaulted on your property?

Let's face it - we're a litigious society. Nobody wants to take responsibility for his actions. You got hurt by someone defending himself, or defending someone you were attacking? Sue the SOB! We've heard the stories of burglars suing homeowners after injuring themselves during a robbery, or the would-be burglars who fell through a skylight and injured themselves while trying to break in, only to recover thousands of dollars from the owners of the skylights.

Take the case in Seattle. Suppose one of the security officers stood in front of that girl on the ground to protect her. The assailant throws a punch; the security officer blocks it. The assailant throws another punch; the officer blocks and counter-punches. One punch. The assailant winds up with a black eye, bloody nose, broken tooth, whatever, and then sues the officer, and the contract agency, and the client, because somebody has deep pockets. In a perfect world, all attorneys approached would say, "You attacked the security officer when he was defending someone you were attacking. You got what you deserved; go away." But no; we know that wouldn't be the case. Litigation pays. Somewhere out there is an attorney who sees dollar signs and figures he'll sue if for no other reason than the nuisance value, and the insurance company will throw a few bucks their way to make them go away, rather than spend tens of thousands of dollars to win. Insurance companies will settle because it's cheaper to do so, not because the plaintiff is right, or has a good case. As the saying goes, "You can go broke being right."

Until there's a company with the guts to tell its trained officers to use reasonable force (note the words "trained" and "reasonable") to defend a victim and to tell an assailant who thinks he can sue and settle, "We'll see you in court," we'll have to continue to "observe and report" and suffer the fallout that goes with this strategy.

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