

An American flag is draped across the top right of the image. Below it, on a red background, are various school supplies including a ruler, pencils, and paper clips. On the left side, there is a black and white photograph of a school building with arched windows.

Active Shooter

IT CAN'T HAPPEN HERE...

Until it Does

ASR
ALERT SYSTEMS

Duty of Care and Foreseeability



As mass shooting incidents become more frequent and widely reported, the perception of whether such events are foreseeable has begun to shift.

Based on the grim history of mass shootings & killings that have occurred in more recent times, together with evidence of warnings and the availability of mitigation technology (like ASR Alert Systems), courts are finding enough evidence to create a genuine dispute of fact as to whether defendants knew or should have known of such threats. Foreseeability and best practice are now being questioned when considering standards and duty of care.

WHAT MEASURES COULD ORGANIZATIONS HAVE TAKEN THAT MIGHT HAVE PREVENTED THE ATTACK OR MITIGATED ITS CONSEQUENCES?

An identified and significant turning point in liability was the Las Vegas Music Festival Shooting (\$800M settlement). Recent articles as published by the ABA and Wall Street Journal further highlight the visibility these types of events are receiving. When we consider the shift that is happening with liability as it relates to organizations and active shooter foreseeability, it's worthy to note that schools and organizations have a vested interest in doing all they can to protect their invitees. Meaning all persons that may be in an organization's buildings or in its immediate vicinity. Lawsuits alleging that an entity did not do all it could to protect its invitees are gaining momentum as active shooter events become more common and hence more foreseeable as evidenced by the even more recent settlement in the Marjory Stoneman Douglas case (parents were awarded \$25M).

Risk [risk]
danger upo