Protecting People and Operations from Active Shooter Threats
Mass shootings in schools, private businesses, and public settings have long threatened the safety and security of people and organizations across the US. Many of these shootings are characterized as active shooter events.

The Department of Homeland Security (DHS) defines an “active shooter” as “an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms(s) and there is no pattern or method to their selection of victims. Active shooter situations are unpredictable and evolve quickly.”

In 2016, an active shooter event occurred, on average, every 18 days, according to the FBI. These shootings affected organizations of all types, including schools, colleges and universities; bars and clubs; restaurants; retailers and shopping malls; government and military installations; hotels; and more, resulting in 83 deaths and injuries to 130 others.

With little or no warning — and often with no personal connection to the shooting’s location — an active shooter can, in a matter of minutes, kill or injure many people. Organizations cannot eliminate such threats, which can cause terrible tragedy while also disrupting operations and damaging reputations. However, they can take action before and after an attack to reduce their risk, mitigate potential damage, and hasten recovery.

**ACTIVE SHOOTER EVENTS CAN OCCUR ANYWHERE, ANY TIME**

Between 2000 and 2016, 220 active shooter events occurred in the US, according to data compiled by the FBI and the Advanced Law Enforcement Rapid Response Training (ALERRT) center at Texas State University. Schools, colleges, and universities were the most frequent settings for attacks, but businesses across industries were affected, as were government and military installations and religious and nonprofit institutions. Several shootings occurred on streets and roads, others in open spaces (see FIGURE 1).

Nearly 700 people were killed in these shootings, an average of three per event, and more than 800 others were wounded, according to ALERRT and FBI data. In almost half (47.5%) of all active shooter events between 2000 and 2015, the shooter did not have any apparent connection with the location of the attack or any of the victims (see FIGURE 2).

### FIGURE 1  Active Shooter Events in the US, by Related Industry Setting or Location, 2000-2016

<table>
<thead>
<tr>
<th>Industry Setting or Location</th>
<th>Number of Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>School, College, or University</td>
<td>48</td>
</tr>
<tr>
<td>Retail/Wholesale or Shopping Mall</td>
<td>34</td>
</tr>
<tr>
<td>Residential Property</td>
<td>26</td>
</tr>
<tr>
<td>Government or Military</td>
<td>20</td>
</tr>
<tr>
<td>Street, Road, or Open Space</td>
<td>19</td>
</tr>
<tr>
<td>Bar, Club, or Restaurant</td>
<td>16</td>
</tr>
<tr>
<td>Manufacturing, Automotive, or Industrial</td>
<td>13</td>
</tr>
<tr>
<td>Religious or Nonprofit Institutions</td>
<td>12</td>
</tr>
<tr>
<td>Health Care or Life Sciences</td>
<td>10</td>
</tr>
<tr>
<td>Transportation or Logistics</td>
<td>9</td>
</tr>
<tr>
<td>Hotel or Casino</td>
<td>6</td>
</tr>
<tr>
<td>Construction</td>
<td>4</td>
</tr>
<tr>
<td>Entertainment Venue</td>
<td>4</td>
</tr>
<tr>
<td>Law Firm</td>
<td>4</td>
</tr>
<tr>
<td>Energy or Power</td>
<td>3</td>
</tr>
</tbody>
</table>

Source: FBI and Advanced Law Enforcement Rapid Response Training (ALERRT)
• In July 2012, a gunman opened fire inside of a crowded movie theater in Aurora, Colorado, killing 12 and injuring 70. The shooter was arrested outside of the theater and charged with the killings. He confessed to the shooting, but pleaded not guilty by reason of insanity. He was convicted on multiple counts of murder and attempted murder, receiving 12 life sentences.

• In December 2012, a gunman opened fire at an elementary school in Newtown, Connecticut. The gunman had killed his mother earlier in the day before arriving at the school, where he killed 20 children and six adult members of the staff. The shooter took his life as the police approached him; his motive for the shooting remains unclear.

• In November 2013, a gunman opened fire in a terminal at Los Angeles International Airport. A Transportation Security Administration officer was killed; two other TSA officers and a traveler were wounded. The gunman, who was shot and arrested by police, was carrying a note indicating that he had specifically targeted TSA officers.

• In December 2013, a former patient opened fire at a Reno medical clinic, killing a doctor and wounding another doctor and a patient before committing suicide. The shooter’s apparent motive was anger over a failed surgery at the clinic in 2010, according to a suicide note found at his home.

• In January 2014, a gunman shot and killed two clothing store employees at a mall in Columbia, Maryland. The shooter also wounded a mall customer before committing suicide. Police could not identify any connection between the shooter and the victims.

• In April 2014, an Army officer killed three and wounded 16 others at a Texas military base. All of those shot were military personnel. The gunman later committed suicide. According to investigators, the shooting followed an argument he had with other personnel after being denied a request for leave.

• In June 2015, nine members of an African Methodist Episcopal church were shot and killed during Bible study by a white supremacist in Charleston, South Carolina. According to news reports, the gunman sat with his victims for nearly an hour before firing 70 rounds. The gunman was captured, confessed to having killed the church members because of the color of their skin, and has been convicted of 33 counts of federal hate crimes.

• In December 2015, 14 people were killed and 21 were wounded when two shooters opened fire at an office complex holiday party in San Bernardino, California. The two perpetrators used automatic weapons and the shooting was classified as a domestic terrorist event.

• In June 2016, a gunman armed with an assault rifle and handgun entered a popular LGBT nightclub in Orlando, Florida, and opened fire, killing 49 people. The gunman took hostages and was later killed during a gun battle with the police. He had insinuated ties with the Islamic State and had expressed homophobic feelings prior to the shooting.

• In October 2017, a gunman fired upon an outdoor concert from the window of his hotel on the Las Vegas Strip, killing 58 people and wounding more than 500. The man smuggled 23 guns into his hotel room, which he stationed throughout the room. He took his own life as law enforcement entered the room. The motive behind the shooting remains unclear.

• In November 2017, a gunman opened fire inside a church in Sutherland Springs, Texas, killing 26 and injuring 20 others, according to police. The shooter had a history of mental illness and domestic violence. After leaving the church and being pursued by local residents, the shooter was found by police dead in his car with a self-inflicted gunshot wound to the head.
The frequency of active shooter events has increased in recent years (see FIGURE 3), according to data from the FBI and others. Between 2000 and 2008, there were 67 active shooter events, or about 7 per year; from 2009 to 2016, there were 153 such events, or about 19 per year. The number of deaths caused by active shooter events each year has also increased: From 2000 to 2008, an average of about 24 people were killed each year; from 2009 to 2016, about 55 people were killed each year.

Beyond active shooter events, fatal shootings of all types — including robberies and targeted attacks by coworkers, relatives, and other personal acquaintances — are a significant risk for employers. In 2015, 417 workers were killed in workplace homicides, including 354 in workplace shootings (see FIGURE 4), according to the Bureau of Labor Statistics at the US Department of Labor. Although this data is limited to employees, others can be injured or killed in shootings or other attacks. In active shooting events, assailants generally seek to do as much damage as possible — shooting at anyone in sight, including customers, students, employees, security personnel, and law enforcement.

In addition to the emotional and psychological impact of such shootings, any resulting injuries or deaths can lead to workers’ compensation, general liability, and other casualty insurance claims, along with litigation. There will also likely be physical property damage and business interruption expenses.

An active shooter event can also lead to reputational harm. In a marketplace in which individuals and businesses have many choices, a shooting involving an organization could lead some people to worry about security and take their business elsewhere. This may be true even if an attacker has no apparent connection to the location of the shooting.

For organizations with multiple locations, fear could quickly spread; a shooting or other act of violence at one location could result in a loss of business at other locations.
of business across all locations. These and other disruptive effects of a potential shooting underscore the need for effective emergency response, crisis management, crisis communications, and business continuity planning.

PREPARING FOR THE RISK OF AN ACTIVE SHOOTER EVENT

As active shooters often attack locations with which they have no connection, no business can consider itself immune to the threat. Organizations must be prepared for a potential attack at any time.

Corporate emergency response plans should include procedures for reporting and reacting to an active shooter event. Such plans should provide clear guidance on what employees should and should not do in an emergency situation. They should be developed with input from risk management and safety teams, human resources and legal departments, and other key stakeholders. Organizations should also consult with local law enforcement and emergency responders, and consider any applicable state and local laws, including those regarding concealed weapons.

Emergency response plans and procedures should be specific to an individual location, taking into account unique factors such as the floor plan, footprint of any larger property, adjoining locations, and surrounding area. But a significant part of an organization’s response will take place away from the location of a shooting — at headquarters or elsewhere. Organizations should have high-level crisis management and communication plans that are integrated with and supportive of location-specific ones.

It is vital that plans be well-tested ahead of an event, and that employees understand their specific roles and responsibilities. Unlike a natural hazard threat — for example, a hurricane — there will likely be little or no warning before an active shooter event begins; the sound of a gunshot may be the first indication. Employees must be ready to act quickly, without reviewing or referring to written materials or procedures. Periodic employee awareness sessions and tabletop exercises for response teams and senior leadership — with the involvement of law enforcement, property owners, and additional stakeholders as needed — can help everyone understand their responsibilities and those of others.

Plans should address several topics, including:

- **Life safety:** Active shooter events often last between 10 and 15 minutes, according to the DHS. And according to ALERRT, 53% of active shooting events between 2000 and 2015 were finished before law enforcement arrived. Therefore, individuals must be prepared to determine the best way to protect themselves. DHS recommends that employees and managers understand the “run, hide, or fight” methodology and know when to apply each choice. If possible, people should seek to evacuate as quickly as possible; if they are unable to evacuate, people should find a place to hide, out of the shooter’s view. People should attempt to stop active shooters only if both evacuation and hiding are not options and if their lives are in imminent danger.

- **Communication:** Organizations should have a clear strategy for how employees will communicate...
with each other, customers, security, law enforcement, corporate headquarters, and others. If possible, phones should be programmed to direct dial 911 (bypassing the need to dial “9” for an outside line, for example) or have clear emergency dialing instructions so that employees can quickly report events to law enforcement.

**Law enforcement:** It is important for employees to understand what to expect from law enforcement when calling 911 and when police arrive during an active shooter event. The immediate priority for police is to eliminate the threat or neutralize the shooter; law enforcement should not be expected to provide medical assistance or answer any questions until the threat has been addressed. Employees, customers, students, and others can help law enforcement by remaining quiet and calm — for example, avoiding sudden movements, pointing, or yelling — and following all instructions from first responders. As the area will become a crime scene, people on site should be prepared to remain in a secure area for a period after a shooting event and until released by law enforcement.

**Threats:** The unfortunate reality is that everyone — from employees to students — should be mindful of their surroundings and the potential for active shooter or other threats. Although assailants often choose an apparently random venue for their attacks, they may target a location with which they have a connection, such as a current or former workplace or school or the workplace of a spouse or other acquaintance. Organizations should have specific processes in place for employees, students, and others to confidentially report suspicious or potentially violent behavior or domestic concerns to human resources and security departments.

### AFTER A SHOOTING

Like any crisis, an active shooter event can be a defining moment for an organization. How an organization responds can threaten or strengthen its operations,

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**INDUSTRY FOCUS: EDUCATION**

Protecting Students and Faculty

Primary and secondary schools, colleges, and universities were involved in 22% of all active shooter events in the US from 2000 to 2016, according to FBI data. This underscores the need for school administrators and risk managers to prepare employees, students, and parents to properly respond in the event of an emergency.

To be ready, school administrators should consider the merit of drills that simulate events that require lockdowns, similar to fire drills and other exercises that schools regularly perform. These drills should be conducted in coordination with state and local police, emergency medical professionals, and other first responders. Although some primary and secondary schools and law enforcement agencies have conducted such drills using students as part of the exercises, administrators should consider the potential psychological impact on children, particularly young ones. It may be more appropriate to exclude students from a drill — for example, performing it on a weekend when students are not on campus. It may also be appropriate to warn parents and others ahead of any such drills.

Colleges and universities typically have larger campuses, which may be more accessible to outsiders and harder to lock down. But in an emergency, colleges and universities may be able to rely on students to watch for and report suspicious or dangerous activity — via text messages and other means — to administrators, security personnel, and law enforcement.

On the insurance side, in the event of a shooting, workers’ compensation will likely respond to provide coverage for injuries to or deaths of faculty, teachers, administrators, and other employees; general liability policies will typically be looked to for coverage for students and any injured third party. Organizations will likely need to discuss with their insurance advisors which policy or policies will respond if a volunteer is injured or killed. Educational institutions should work with their insurance advisors to review their educators’ legal liability coverage, which may apply to allegations against trustees, officers, and community school boards in the event of lawsuits alleging negligence.
financial performance, brand, and confidence among investors, customers, employees, students, and local communities.

Shooting events or other acts of violence are high-profile, but they are also rare. Therefore, many organizations may not be prepared to handle the aftermath. The physical and psychological effects of a shooting on employees, managers, students, and others can be devastating, even to people who do not directly witness the event. In the aftermath of a shooting or other act of violence, outside advisors — including crisis management experts — can provide specific and objective advice to help an organization return to normal operations. Umbrella and excess liability and other forms of insurance may provide coverage for such services.

Following a shooting, organizations should focus on assisting employees, customers, students, and the families of any victims. Planning should consider whether and how to provide:

- Support to injured and affected employees, customers, students, and their families and loved ones.
- Funeral expenses for victims.
- Additional support at the workplace, hospitals, and homes.
- Support services at nearby work locations, or potentially all locations across the organization.

Effective crisis communications can help organizations manage their reputations, particularly those with multiple locations, for which an isolated event can ripple across the enterprise. Organizations should carefully consider whether and how to share information after consultation with law enforcement and legal advisors. Organizations should be mindful of law enforcement’s

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**INDUSTRY FOCUS: HEALTH CARE RISKS FOR HOSPITALS AND HEALTH CARE PROVIDERS**

Active shooter situations in health care settings present unique challenges and complicating factors. Many hospitals and other health care facilities have multiple entry and exit points, and security levels can vary by department. Health care facilities often have large patient populations of varying ages and capabilities, including many that are vulnerable, dependent on ventilators and other technologies, and/or afflicted with infectious diseases.

In preparing for or managing active shooter events, emergency response and crisis management plans should be nimble and able to adapt to active shooter events as they evolve. Among other items, plans should consider:

- Which employees, leaders, and others to notify in the event of an active shooter event and how to communicate with internal and external stakeholders.
- Whether employees should shelter in place or evacuate.
- Whether enhanced security measures, including armed guards, are appropriate.
- Potential hazards within hospitals and other facilities, including medical gases and vacuums.
- How staff should work with police and other first responders.

To ensure awareness and responsiveness during an event, plans should include a common taxonomy and terminology to be used by all stakeholders. All staff should be made familiar with these plans through regular exercises and drills involving internal and external stakeholders.

Regarding insurance coverage, patient-related claims in health care are typically covered under professional liability policies. Workers’ compensation coverage, meanwhile, will likely respond if doctors, nurses, and other employees are injured or killed in a shooting incident, and general liability would generally provide coverage if other non-patients are injured — for example, patients’ family members and other visitors.
Concerns, particularly while an investigation is ongoing, and of the potential for litigation. Ahead of any crisis event, organizations should identify representatives who will be authorized to speak with the media on behalf of the company and ensure that those individuals receive proper media training.

Although it may be difficult, it is critical for organizations that are affected by shootings to thoroughly analyze the event and conduct post-incident reviews with applicable response teams. Detailed discussions or reviews of a shooting could yield valuable lessons learned that can be applied to future situations.
INSURANCE CONSIDERATIONS

If anyone is injured or killed in an active shooter event, an organization could face sizable property and casualty insurance claims. It is important to understand what coverage may apply, and to prepare for claims following a shooting. As they take these steps, organizations should include insurance advisors and legal counsel in all discussions, and document all injuries and property damage, including taking photographs to share with their claims teams and with underwriters.

WORKERS’ COMPENSATION AND EMPLOYERS’ LIABILITY

In most cases, workers’ compensation insurance coverage responds in the event of an injury to an employee. Following a shooting, employers should ensure that injured employees receive prompt medical attention and notify insurers and claims administrators as soon as possible.

Following a shooting or other act of violence, employees who were not physically injured but witnessed the event may be eligible for workers’ compensation benefits for post-traumatic stress disorder (PTSD) and other psychological effects. Benefits can vary by state. Proposals following high-profile shootings in Connecticut and Colorado, for example, have focused on first responders, such as police officers, and other municipal employees, while laws in other states allow private sector workers to file such claims. Employers

INDUSTRY FOCUS: REAL ESTATE

ADDITIONAL INSURANCE CONSIDERATIONS FOR PROPERTY OWNERS

Shopping malls have frequently been targeted in active shooter events, with incidents often beginning in one store before spreading to others or onto mall property. Other properties with multiple tenants — including residential and office buildings, hotels, airports, and college and university campuses — have also been involved in recent shootings. These events can present unique risks for property owners, in addition to those faced by their tenants.

Generally, a tenant’s insurance coverage will apply in the event of a shooting or other act of violence within the confines of its property. For example, if employees are injured or killed in a shooting at a company’s office, its workers’ compensation coverage will likely respond; the company’s general liability policy may also respond if customers or others at the location are injured or killed. If the violence spreads outside of those four walls — for example, into the building lobby or onto other floors leased by different tenants — responsibility shifts to the property owner or other tenants.

But even if a shooting is contained within a single tenant’s location, a property owner could face additional liability. After a shooting, a property owner may be targeted in litigation brought by victims or tenants claiming negligence — for example, that the property owner did not provide adequate security to protect workers, customers, and others. In some instances, injured workers can use such litigation to circumvent the exclusive remedy provisions that are present in most states’ workers’ compensation laws.

Property owners should be mindful of this potential risk and their role in providing security and other services to their tenants. Property owners should take an active role in assessing potential threats, work with their tenants in both pre- and post-event risk management planning, and consult with their insurance advisors to ensure proper insurance coverage is in place.
should work with their advisors to review applicable state workers’ compensation laws and understand how provisions on PTSD and other psychological effects may apply to their employees.

In most states, workers’ compensation statutes include “exclusive remedy” provisions that prevent injured employees from making tort liability claims against their employers, meaning that workers’ compensation benefits are the sole remedy available to these employees. However, there are exceptions to this rule that may apply in active shooter events in some jurisdictions. For example:

• A targeted, personal attack on an employee with a clear motive that is unrelated to the workplace — for example, an attack by a spouse — could negate workers’ compensation for that employee because it falls outside of the “scope of employment.” Other employees injured during such an attack, however, would typically be able to file claims.

• Negligence, reckless behavior, and intentional acts by employers could expose them to additional civil litigation under employers’ liability laws. Examples of such behavior include lax security procedures and failure to respond to specific threat warnings before an incident.

**GENERAL LIABILITY**

If a customer, student, or other third party is injured or killed in a shooting on an insured’s premises, a commercial general liability (CGL) policy may respond to provide coverage for medical care, bodily injury, property damage, and defense of lawsuits alleging negligence.

It is important for organizations to understand terms, conditions, and coverage issues that may determine how a CGL policy responds. One such issue is whether the shooting arises out of an “occurrence,” meaning whether it was accidental; most jurisdictions assess this from the standpoint of the insured. Further, some specialized policies may contain an assault and battery exclusion that could apply, although others include an expected or intended injury exclusion that, like the “occurrence” definition, assesses the intentional nature of the injury from the standpoint of the insured.

**UMBRELLA AND EXCESS CASUALTY**

Depending on the size of a loss, umbrella and excess coverage may respond, and could provide support to affected organizations and victims’ families. Many excess insurance policies contain crisis response endorsements that provide funding for reasonable and necessary expenses incurred as a result of a crisis event, such as a shooting. (Other commercial insurance policies, such as directors and officers liability, may contain similar endorsements.) Among other items, these could include
expenses for crisis management and public relations assistance, funerals, grief counseling, and travel.

**TERRORISM AND OTHER CONSIDERATIONS**

An important consideration for organizations is whether an active shooter event could be deemed an act of terrorism that may be excluded under an insured’s policy if it purchases coverage under the Terrorism Risk Insurance Program Reauthorization Act of 2015 (TRIPRA). Under TRIPRA, an event must meet certain specific criteria — including causing property and casualty losses of more than $5 million and being part of “an effort to coerce the civilian population of the United States or to influence the policy” of the government — in order to be certified as an act of terrorism.

For insureds that reject TRIPRA coverage, some umbrella and excess insurers have added exclusions for both certified and noncertified acts of terrorism. The definition of noncertified acts can be broad; at least one insurer defines it as any dangerous use of force or violence “undertaken by any group or person, whether or not acting on behalf of or in any connection with any organization, government, power, authority or military force, when the effect is to intimidate, coerce or harm” the government or “the civilian population of a country, state or community.”

An insurer could argue that an active shooter event meets this definition and is thus not covered under an excess policy that contains an exclusion for both certified and non-certified acts. Policyholders that have rejected TRIPRA coverage should consult with their insurance advisors and counsel to determine whether their excess insurance policies have broad terrorism exclusions, and whether insurers would consider an active shooter event to meet the definition of a noncertified act of terrorism. While reviewing the policy, it is also prudent to review whether there is an assault and battery exclusion, which may have a sublimit that could apply in an active shooter incident.

Policyholders with large, potentially unaggregated self-insured retentions should consider how many retentions and limits will apply in the event multiple individuals are injured by a shooter. Jurisdictions may differ as to whether the injuries arise out of a single occurrence or multiple occurrences, which will affect how many retentions an insured must pay and the occurrence limits to which it will have access. In events where multiple claimants are involved and it is deemed to be one occurrence, the question of whether there are adequate limits purchased for catastrophic losses may arise.

**PROPERTY AND BUSINESS INTERRUPTION**

Following a shooting event, organizations should record any physical property damage — for example, broken windows and doors or bullet holes in walls or floors. Such damage would likely trigger property damage (PD) and business interruption (BI) coverage. BI insurance coverage may also apply if an organization is forced to close for repairs and investigations following a shooting event, and its bottom line is
affected as a result. The size of such a loss is generally measured by insurers through forensic accounting analyses of an organization’s historic profit and loss for the applicable period of time.

Insurers determine BI coverage based on the time it takes after a shooting to regain access to the location, repair physical damage, and complete necessary cleanup. Certain extensions of coverage under time element — for example, civil authority — provide coverage if police or similar authorities prevent or limit access, as could be expected following a shooting, as the location will be considered a crime scene. Closures forced by others — for example, a shopping mall’s property management team — may be covered, depending on the BI policy’s specific language.

But other closures will likely be viewed by an insurer as falling outside of the scope of a BI policy. For example, an organization could choose to remain closed after the completion of repairs and investigations in order to lessen the burden on employees, remodel the location, or install new security features. In such cases, BI coverage generally would not apply.

Following a loss, property owners should work with their insurance advisors, including forensic accounting specialists, to measure their financial loss and prepare for claims discussions with insurers. Insureds should provide detailed information in support of their claims. Although the type of documentation will vary by incident, organizations should be prepared to share:

- Detailed monthly profit and loss (operating) statements.
- Sales statistics and forecasts.
- Purchase orders, invoices, proof of payment for any damaged items, and extra/expediting expenses.
- An analysis of the cost of goods and services sold.

CONCLUSION

An active shooter is a terrifying prospect for any organization. Although the threat cannot be eliminated, effective risk management — including crisis management planning and risk transfer solutions — can position organizations to better protect employees, customers, students, and others during an event, and return to normal operations as soon as possible.

KEY TAKEAWAYS

This paper has examined a range of risk issues related to the potential occurrence of an active shooter incident. The many considerations for organizations in addressing such an event include:

- Planning ahead at all locations, including corporate headquarters, and ensuring corporate and site-specific plans are integrated.
- Reviewing insurance coverage with advisors to ensure it is adequate.
- Conducting periodic tabletop and other exercises.
- Ensuring that employees and others understand their roles and those of law enforcement.
- Ensuring communication between locations and key stakeholders, including property management, law enforcement, corporate headquarters, and the community.
- Accounting for assistance in response plans.
- Responding promptly to manage impacts and consequences effectively.
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