



## “KEY THREE” STEPS BEFORE AN INCIDENT

**Step 1** – Review your church’s general liability policy, looking closely at the “Exceptions” section. This is where you will find any conditions not covered by the policy.

**Step 2** – Contact your insurance agent with specific questions regarding any “exceptions” noted. Request specific “yes/no” answers to your questions, and not general “I believe they are . . .” type of answers. Your agent should know the answers to these questions.

**NOTE:** Your insurance agent may need to consult with the underwriting insurance company regarding armed personnel and incidents with guns involved. If there is any reference to exclusion of any response by an “armed guard,” seek specific definition and meaning. While this “armed guard” may not be well defined in most policies, it stands to reason that the insurance company may claim this exception/exclusion since the person was “guarding” the church/congregation during an incident.

### Questions to ask your insurance agent:

1. Does the church’s general liability policy make a specific exception for gun-related incidents? For example, is there an exception for an “armed guard,” or “armed responder,” and if so, what is the definition and point of exclusion?
2. How are defense costs handled? Are defense costs in addition to the policy limits?
3. Are defense costs included in the policy limits? If the defense costs are included in the policy limits, this may decrease how much will be available for settlement.
4. How will the insurance company respond?
5. Will the church’s policy cover both the church’s actions as well as the actions of the person(s) involved in the incident? (The insurance company may determine the policy only covers the church’s actions and not the person(s) involved in the incident.)
6. Does the insurance company retain the right to choose legal counsel and make payment directly? (In this case, you do not choose the attorney representing you. The church loses control of any actions taken.)
7. Does the church retain the right to choose counsel? (If so, has the executive leadership investigated, interviewed, chosen, and consulted with legal counsel to determine how to respond to an incident? This may fall under attorney-client privilege and will give guidance to church leadership.)

**Step 3** – There are several questions that should be asked before an incident occurs, as the same questions will certainly be asked after an incident.

1. Does the person acting as an armed responder have appropriate training and individual legal representation? Is this training documented and kept on file? How often is the training updated? (It is important for the person acting as an armed responder to have individual counsel as each party will usually stand on their own merits.)
2. Who performed the training? What is the training company’s background? Does this training company have liability insurance? Will the training company stand behind their training and support the church in court? Will the training company’s insurance policy respond if a court verdict implicates poor or insufficient training? Are the training company’s policy limits equal to or greater than the church’s policy limits?



3. What is the person acting as an armed responders background? Is he a family man? Single? Any background issues which may be interpreted by the media as a “gunslinger” mentality?
4. What is the written security policy of the church?
5. More importantly, what is the unwritten policy (more likely to be emphasized in court as the “real” policy) of the church?

### **Steps to Consider Regarding the Media After an incident:**

- Identify who will respond to the media following an incident? There should be more than one person, and each trained equally.
  - Is the spokesperson familiar with all five of the questions in Step 3 above?
  - There should be a church media policy. It can be as simple as, “The church’s pastor (or board chairman/elder) is the person designated to respond to any and all media requests.”
    - I don’t suggest the pastor as they will have their attention elsewhere.
    - Media response is a very important part and is often initially handled poorly, adding to the media frenzy after an incident.
    - Choose the location for any media interview you conduct. Do not let the media drive this decision. Practice a media interview. Take video to see how the person presents to the media, i.e., posture, clothes, language used, etc.
    - Dress – what is appropriate for the type of church?
    - Think carefully on how to respond to at least the following questions. Keep in mind the media uses 15-30-second sound bites and is looking for drama and ratings. Therefore, think carefully about the wording of your answers.
      - Who/how many hurt? (In answering, do not use the word “killed.” This information should come from the authorities in control of the crime scene. Say something like, “(number) of our congregation were involved in the incident. Respectfully, other information regarding the number of deaths and injuries will be/is available from authorities.”)
      - Any past history of violent incidents?
      - Could this have been prevented?
      - What is the church’s response to this type of incident? (Training/procedures/armed-unarmed/etc.)
      - How large a congregation/mix of congregation? (demographic makeup)
      - How does this change the future of the church? (Training/procedures/armed-unarmed/etc.)