
Reducing Liability through Emergency Communication

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May, 2015



Code Blue[®]
WHITE PAPER

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Introduction

The vast majority of locations have more than a sense of duty to protect the people who populate their premises – they have an responsibility. There are laws on the books that presume property owners and managers have a legal liability to maintain safe and secure areas for visitors, customers, students, staff, etc., effectively requiring them to take reasonable steps that ensure potentially dangerous incidents are attempting to be prevented. Preventability perhaps can best be defined as “the anticipation, recognition and appraisal of a crime risk and the initiation of some action to remove or reduce it,” according to the National Crime Prevention Institute at the University of Louisville.

Eliminating all dangerous and threatening elements may seem like a Sisyphean task, but the implementation of additional security solutions has proven to be an effective means of establishing safer environments and, therefore, reducing liability both legally and ethically.

Note: While this White Paper discusses legal principles and specific laws, it is neither intended to be given as legal advice nor as the practice of law. Before taking any action, always check with a licensed attorney in your jurisdiction to ensure compliance with the law.

Background

There are legal precedents requiring locations to look after the well-being of individuals in the area.

That includes the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, the landmark federal law that was signed in 1990 and requires colleges and universities across the United States to disclose information about crime on and around their campuses. In October 2012, the U.S. Department of Education increased fines to \$35,000 per violation. Several large institutions have been fined in recent years for not complying with the requirements of the Clery Act. In 2013, for example, Lincoln University was fined \$275,000 for violations, while Yale University was fined \$155,000 and the University of Texas at Arlington \$82,500.

“Our primary objective, however, is to end the need for such fines by providing the necessary education to support institutional compliance with the letter and spirit of the law,” said Alison Kiss, Executive Director of the Clery Center for Security On Campus. “The Clery Center focuses on prevention through best and promising practices and campus collaboration. This position is informed by our 25-year history and partnerships with students, families, institutions, and leaders in the field of higher education. We are committed to working with colleges and universities to create the cultural changes necessary to provide safer learning environments for our students.”

Additionally, in most jurisdictions in the United States, public policy encourages voluntary measures that improve the safety of public areas. This encouragement takes many forms, from outright statutory immunity to case law precedent that does not hold the provider of these measures to the usual standard of care that otherwise might apply.

That includes the interpretation of the Restatement (Second) of Torts, Sections 323 and 324, also known as the Good Samaritan Doctrine, a compilation of standards that are followed in most jurisdictions regarding negligence:

“324A. Liability to Third Person for Negligent Performance of Undertaking

“One who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of a third person or his things, is subject to liability to the third person for physical harm resulting from his failure to exercise reasonable care to protect [sic; perform] his undertaking, if

“(a) his failure to exercise reasonable care increases the risk of such harm, or

“(b) he has undertaken to perform a duty owed by the other to the third person, or

“(c) the harm is suffered because of reliance of the other or the third person upon the undertaking.”

In other words, emergency assistance is encouraged by the removal of the threat of liability, assuming the help is not reckless or negligent.

Challenge

It can be difficult to know what exactly is needed to improve safety and security. The Clery Act, for example, does not note a universal time frame for incidents that occur at colleges and universities.

“Timely warnings are triggered as soon as the pertinent information is available. In the case of an armed robbery, this may occur as soon as a report is made to campus police within minutes following the incident. In the case of a series of burglaries of residence hall rooms, this may not occur until they are all reported and a pattern is recognized, which may be two to three days after the incidents have occurred,” S. Daniel Carter, Director of the 32 National Campus Safety Initiative VTV Family Outreach Foundation, wrote in a *Campus Safety Magazine* article.

Likewise, NFPA Chapter 72, the National Fire Alarm Code, calls for a “timely warning,” a phrase that could be left up to interpretation or confusion. It can be hard for locations to know exactly what measures are enough when it comes to augmenting their safety and security.

In the summer of 2009, for example, a 45-year-old Saint Charles, Illinois man named Martin Jordan drowned while saving his two children from strong rip currents in Lake Michigan along the beaches of South Haven, Michigan. An ensuing federal lawsuit followed, which alleged the City of South Haven should have had more safety measures in place to warn beach goers of dangerous water conditions.

Fortunately, it’s common for local police and safety officials to provide a security analysis free of charge. Security companies also can be consulted for recommendations and ideas, something Code Blue, the industry leading manufacturer of emergency communication solutions, routinely is asked to perform.

Solution

Code Blue offers a wide range of advanced emergency communication solutions designed to not only provide help at the touch of a button®, but empower individuals to act quickly and intelligently before, during and after an incident. This is accomplished through a number of features:

- **Phone:** Code Blue's hands-free emergency speakerphones not only give people a direct link to first responders, but their input and output contact closures can be used to control doors, gates, AED compartments and more, while their self-diagnosing capabilities provide alerts when there are issues with the microphone, button or speaker, meeting UL 2017 standards for emergency signaling.
UL 2017, 1.2: "1.2 Emergency-signaling products covered by these requirements are categorized as indicated below, are associated with property and/or life safety and are of a non-fire/non-security alarm nature. These products are evaluated with regard to product safety and to appropriateness of signaling."
- **Lights:** Powerful LED Beacon/Strobe and Area Lights not only serve as beacons to individuals in need, but they also have shown to be a deterrent to crime. According to a 2013 *New York Times* story, Glasgow, Scotland, had installed blue lights in a number of different areas. The initial intent was to make unsightly districts more attractive, but statisticians noticed crime rates declined in those locations. Also, police in Nara Prefecture, Japan, installed blue lights at assorted crime-ridden areas in 2005 and found a similar result: the overall crime rate fell.
- **Public Address Speakers:** Code Blue's systems are specifically designed to provide maximum intelligibility and power to ensure important notifications are both heard and understood to meet key NFPA Chapter 24 regulations:
Section A.24.3.1: "In certain situations, it is important to provide a distributed sound level with minimal sound intensity variations to achieve and intelligible voice message."
- **Mass notification software:** Blue Alert® MNS is an advanced software solution that provides emergency notifications over a variety of audio, visual and messaging platforms, including email, social media, public address speakers, digital signs, blue light phones, fire panels, SMS support and more.
- **Camera mounts:** Surveillance devices can be easily mounted above blue light phone pedestals or on faceplates to provide an additional security measure.
- **Sensors:** Code Blue's line of Help Points® are strong and durable enough to include customizations and the integration of third party devices that can assist with the detection involving events like gun shots, weather changes, passive audio devices, seismic detection and more.

In the case of South Haven, city officials agreed to enact a variety of new beach and pier safety efforts as part of a settlement that included the installation of emergency Help Points® from Code Blue. The city installed pedestals equipped with hands-free speakerphones monitored by a sophisticated systems management platform at the city's North and South beaches to provide efficient and effective contact with first responders during emergency situations.

“The intent of the call boxes is to provide our beach goers with safe and efficient contact to the city’s first responders,” South Haven City Manager Brian Dissette said. “It is our expectation that having the call boxes onsite will make the process of seeking help easier for out-of-town beach goers, as they will not have to rely on landmarks to guide first responders to their location.”

Benefits

Utilizing Code Blue's software and hardware solutions can be an effective means of reducing liability by striving to keep people safe. Adding advanced end points, like Blue Light Phones or wall-mounted call boxes, can be seen as Crime Prevention Through Environmental Design (CPTED), a multi-disciplinary approach to deterring criminal behavior through environmental designs such as improved lighting or added surveillance. This has proven to be effective. According to the Bureau of Justice Assistance, a systematic review of studies of street lighting measures showed crime was reduced by as much as 20 percent.

Additionally, some insurance companies will offer discounts on insurance policy premiums for the installation of appropriate alarm systems for that location. They may even require the installation of a UL-certified system that is connected to a 24-hour monitoring system that can be accessed by a "central station" other than the local police department (examples include the campus safety department at a college or university, the security office at a hospital or the front desk of a corporation).

While helping minimize a location's legal considerations by offering another level of security, there are also customer service-related benefits associated with the installation of emergency communication solutions. In addition to allowing personnel to respond faster in situations like fires or evacuations, Code Blue products offer a wide array of applications for non-emergency situations, such as malfunctioning parking gates, automobile trouble or providing visitors with information and directions.

Conclusion

Improving the safety and security at your location doesn't need to be a costly process. By making the effort to take a few simple but important steps like adding a blue light emergency phone or investing in mass notification software, you will have made major strides in looking after the welfare of everyone in your surroundings. By putting in a little work and research to be sure your location isn't grossly negligent, you will be able to reduce your liability from a legal and ethical perspective.

References

<http://codeblue.com/soha/>

<https://www.bja.gov/evaluation/program-crime-prevention/cpted2.htm>

<http://www.cpted.net/>

<http://ulstandardsinfonyet.ul.com/scopes/scopes.asp?fn=2017.html>

<http://louisville.edu/ncpi>

<http://clerycenter.org/summary-jeanne-clery-act>

<http://www.commercialinsurance.net/alarm-system-insuranceadvantages>

<http://www.campusafetymagazine.com/article/Timely-Warnings-vs-Emergency-Notifications-What-s-the-Big-Difference>

About Code Blue Corporation

For more than 25 years, Code Blue Corporation has been the industry leading manufacturer of durable emergency communication solutions. The pioneer in developing and producing vandal-resistant Blue Light Emergency Phones at thousands of education, corporate, hospital, airport and municipal locations around the world, Code Blue's expansion includes the innovation of advanced public address and mass notification systems to provide a complete end-to-end solution.

Founded to address the growing need for sophisticated audio security solutions, Code Blue offers American-made Help Point®, Emergency Signaling, Incident Response and Systems Management products that are innovative, rugged, powerful and easily integrated.

Code Blue's evolution continues with the engineering of new software and hardware designed to meet the ever-changing needs of customers who require an advanced level of incident deterrence that establishes a safe environment. No matter where you go, you can feel safe knowing that there is help at the touch of a button®.