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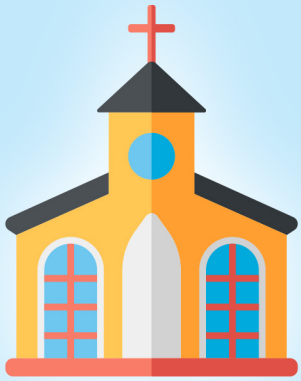
resource
of the month

Church SAFETY & SECURITY | FAQ



MAXIMUM MINISTRY WITH
MINIMUM LIABILITY.

NCLL
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FOR LIFE AND LIBERTY



INTRODUCTION

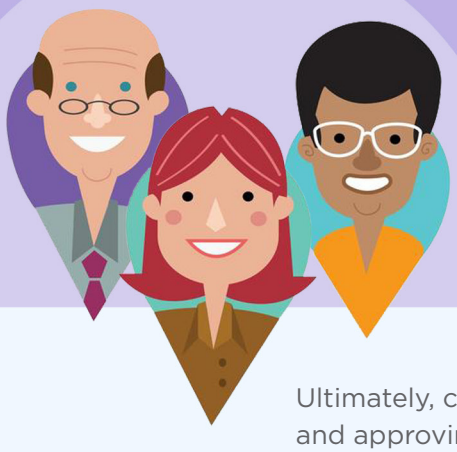
Just a few weeks before Thanksgiving 2017, our nation learned of a horrifying mass murder perpetrated against the congregants of a small Texas church, ultimately claiming the lives of twenty-six people and wounding many more. This tragic event followed on the heels of the largest single killing spree in our nation's history just a few weeks earlier at an outdoor country music festival in Las Vegas. Even more recently, on Valentines Day, 2018, we witnessed in stunned silence as students captured cell phone footage of yet another active rampage that killed seventeen of their classmates, teachers, and friends and wounded many more. As a result of these terrifying incidents, businesses, churches, and venues of all kinds across the nation have been asking themselves the following kinds of questions:

- WHAT IF THAT HAD BEEN US?
- WOULD WE HAVE BEEN PREPARED?
- HOW DO WE PREPARE FOR SUCH AN EVENT?
- SHOULD WE HAVE MORE PEOPLE CARRYING FIREARMS IN OUR CHURCH? IF SO, WHO SHOULD THEY BE?
- CAN OUR CHURCH BE HELD LIABLE IF WE DO NOT PROACTIVELY PREPARE FOR AN ARMED INTRUDER?
- WHAT HAPPENS IF SOMEONE IS INJURED OR EVEN KILLED BY "FRIENDLY FIRE"?

Providing a safe environment to the extent possible is a vitally important responsibility for any church. It involves far more than just considering whether to have persons with concealed weapons on church property. It begins with identifying which emergency situations could arise in your ministry and the types of emergencies that are likely to happen, including (among others) threats of:

- SEVERE WEATHER
- NATURAL DISASTERS
- THEFTS
- MEDICAL EMERGENCIES
- POWER FAILURES
- BUILDING HAZARDS
- ACTS OF VIOLENCE

In light of the profound ramifications that arise from emergency situations at a church, the National Center for Life and Liberty strongly encourages ministries to adopt a comprehensive emergency plan that addresses all of the foregoing types of emergencies (request the NCLL companion resource Church Emergency Response Guidelines for more information about developing a comprehensive emergency response plan). While some of the information in these two resources naturally overlap, the focus of this Church Safety and Security resource is on addressing a number of the most frequently asked questions that we receive on the specific topic of security breaches/acts of violence—and specifically the practical and legal ramifications of preparing for and responding to such events.



1. WHO SHOULD BE IN CHARGE OF DEVELOPING AN EMERGENCY RESPONSE PLAN?

Ultimately, church leadership should be tasked with designating and approving your ministry's emergency response plan. The leadership (pastors, elders, deacons) should designate one person to be in charge of the church's plan and appoint additional team members who can assist with developing the plan. These will also likely be your "go-to" people in the event of emergencies. Current or former law enforcement members of the church are ideal persons to lead such teams, as they have the most training in dealing with emergencies.

2. WHAT SHOULD WE CALL OUR EMERGENCY RESPONSE TEAM MEMBERS AND WHY?

The NCLL recommends that churches call their emergency response teams "safety teams" rather than "security teams" and define the scope of responsibilities as that of providing "safety" rather than "security." The reasons for this are twofold. First, in some states, use of the term "security" could potentially subject those persons providing such services to the laws and regulations governing the private security industry (i.e., certification, licensing, training, uniform requirements, etc.). This means that if a person is part of a "security team" at the church but is not state licensed as a "security guard" (or whatever the term is under the particular state law), he or she could potentially be violating state law.

Second, we recommended concentrating responses to all types of emergencies in one group of people—your safety team—rather than having a security team that only deals with intentional human disruptions. Since unforeseen circumstances may involve different types of emergencies at the same time (e.g., a severe weather incident or security breach may also involve medical emergencies), having one main point of contact—one team—designated to handle all emergencies will be more efficient in terms of training for and actually responding to emergency situations. A safety team could be tasked not just with dealing with a security breach and/or armed threat but also with responding to other emergencies, such as a fire/smoke/building hazard, a severe weather incident, or an accident/injury/health crisis.



3. WHO SHOULD BE ON THE CHURCH SAFETY TEAM AND WHAT SHOULD BE THEIR QUALIFICATIONS?

Take into consideration the various occupations and experience of those within your congregation when choosing who should be on this team. Consider the following types of people:

- First responders: persons trained in handling medical emergencies, including doctors, nurses, EMTs, paramedics, firefighters, and police officers. If there are no medically trained personnel within the church, the church should ensure that, at a minimum, designated staff members are trained in CPR and in the use of epinephrine and defibrillation and that there are designated persons to call 911 in the event of emergencies.
- Those familiar with the church layout: persons who are familiar with the entire church property, including but not limited to all points of access, maps of infrastructure, escape routes, locations of landline telephones and fire alarms, as well as the evacuation procedures for specified emergencies. Consideration should be taken to choose persons who are physically fit and able to run/respond quickly should the need arise.
- Representatives of each of the ministries operating during services: those volunteers or paid staff who will be responsible for implementing emergency response plans in each of the major ministries (children, adult, special needs, nursery, transportation, etc.).
- Retired or off-duty police officers: because of the specialized emergency, security, first aid, negotiation, and weapons training that law enforcement officers receive, they are ideal church safety team members.



3. WHO SHOULD BE ON THE CHURCH SAFETY TEAM AND WHAT SHOULD BE THEIR QUALIFICATIONS?

The church is responsible to ensure that persons placed in authority are qualified to be in those positions. In the event of a lawsuit against the church for the actions of one of its staff members and/or volunteers, the church's due diligence in carefully selecting volunteers and paid staff will minimize the likelihood of the church being held liable for the actions of its workers.

As part of this due diligence process, the church should take the following steps in developing its safety team (see question 12 for more specific information about vetting persons who will be carrying weapons):

- Have applicants fill out a volunteer ministry screening form or application that requests information about the applicant's background, education, relevant experience, safety team qualifications, and church attendance/membership history.
- Obtain personal references from each applicant.
- Conduct background checks on applicants before they are permitted to serve on this team even if they will not be carrying weapons.
- Update background checks every 2-3 years.
- Regularly train safety team members, and maintain records of safety team training sessions and materials, including both internal and outsourced training.



4. HOW DO WE BEGIN PLANNING FOR SECURITY BREACHES AND OTHER DISTURBANCES?

First, evaluate your church's risk level. Consider the following factors:[1]

- If the church, pastor, members, or regular visitors are considered "high profile"
- Ease of accessibility onto church property and buildings during and prior to services and at other times
- Existence of persons in the church with a history of mental illness or persons who may be involved in domestic disputes
- Presence of tall shrubs, outbuildings, etc., that would provide cover for would-be criminals
- Lighting—both internal and exterior
- Who has access to church keys, security codes, etc.
- The location of the church, its proximity to high crime areas, and past criminal activity on or near church property or in the general area
- Extent of time that the general public has access to church property, both indoors and outdoors
- Existence of current prevention and monitoring mechanisms (or the lack thereof) for reducing crime and security/safety-related incidents
- Established safety protocols and knowledge by church attendees of protocols
- Ease of access to children's areas before, during, and after services and activities; current protocols for drop off/pick up of children
- Likely presence of armed members and/or formal security

Second, focus on prevention by considering the above risk factors (among others) both during services/activities and when the property is vacant, and implement measures that will help prevent security breaches from occurring in the first place. While no ministry can ever guarantee that it will not be a security breach target, each ministry can take a number of steps to mitigate this risk. See question 6 for specific preventative measures.

Third, develop appropriate protocols for various security breach scenarios with your safety team and outside sources who are able to pinpoint areas where your ministry may be vulnerable. Keep in mind **that there is a difference between how emergency situations should be handled on a weekday and how they should be handled during church services.**

[1]These are just a few of the many factors that should be considered. Contact your insurance agent or a trained security consultant for others.



5. WHO CAN ASSIST US IN DEVELOPING A PLAN FOR DEALING WITH SECURITY BREACHES?

Consider hiring a consultant who develops responses to emergency situations. Check for referrals from local law enforcement, your alarm company, your insurance company, the American Red Cross, or other churches or schools in the area. The NCLL recommends ALICE training for a reasonably priced, comprehensive means of training church leadership and members on responding to an active shooter. Alice stands for "Alert, Lockdown, Inform, Counter, Evacuate" and is one of the leading training programs in the nation for responding to active shooters in various environments, including hospitals, K-12 schools and universities, churches, government buildings, and businesses.[2]

Local police and fire departments are oftentimes willing to work with your ministry to proactively prepare for emergency situations. Ask your insurance company and your local police department (especially if they have a crime prevention unit) for any resources they may have or if they can discuss various security breach scenarios with you and potential response options based on your property layout and other considerations. You may even be able to provide police and fire departments with layouts of your church so that they may better respond in the event of an emergency.

[2]Check out Alice Training programs at https://www.alicetraining.com/.



6. WHAT SPECIFIC PREVENTATIVE SECURITY RECOMMENDATIONS SHOULD WE IMPLEMENT?

The ultimate goal of any safety, security, or emergency response plan is to prevent emergencies from happening in the first place. Identifying your ministry's vulnerabilities and implementing preventative measures that reduce or "close the gap" on those vulnerabilities will go a long way toward minimizing the likelihood of a security breach. Consider the following preventative measures:

- Foster a culture of prevention: Discuss with your congregation how each person has a role to play in making your church more safe and secure. Explain that while the church has a number of preventative measures in place to minimize security risks, members and attendees should always pay attention to their surroundings and report to an usher or safety team member anything or anyone that looks suspicious or out of place.
- Off-duty law enforcement: The presence of an armed police officer on your property before, during, and after services is one of the most effective deterrents for a would-be criminal. And while having officers present does not and should not take the place of having a solid emergency response plan that includes other preventative measures, the visual deterrent of an armed police officer cannot be overstated. In addition to having a deterrent effect, the police officer would also be available to respond in the event of an actual emergency.
- Building access: Limit building access by allowing only main doors to be used for entry during services, activities, and business hours. To the extent possible, keep all other doors locked from the inside during and prior to services so no one is able to enter from the outside. Make sure workers and other attendees know not to keep doors propped open before and during services. Limit those who have keys to the buildings, and maintain an updated list of those who have such access.
- Alarm system: If you have an alarm system, limit the number of people who have access to the code to those who need to know it (and maintain an updated list of who does know it); regularly test the system to ensure proper working order; and change the alarm code periodically. If possible, provide users with unique access codes.
- Security cameras: Installing a security camera system is not only helpful



6. WHAT SPECIFIC PREVENTATIVE SECURITY RECOMMENDATIONS SHOULD WE IMPLEMENT?

for identifying criminals and their actions, but it also helps deter someone who is considering committing a crime. Most criminals will attempt to achieve their goals using the path of least resistance, so if they know their actions will likely be noticed and stopped or at least mitigated prior to achieving their objective, they may likely go elsewhere. If your ministry uses security cameras or other types of surveillance indoors, post notices at each entrance stating the same. If a surveillance system is used outside the church (such as in the parking lot), be sure to post notices regarding the presence of the system on light poles or in some other readily identifiable area.

- Landscaping considerations: Ensure that all plants, trees, and other aspects of your ministry's landscaping are trimmed so as to minimize hiding places and ease of access to second story windows. To the extent possible, make sure windows and doors remain unobstructed by trees and shrubs.
- Greeters at entrances: Post safety team or other designated persons at the doors of all entrances and around the property. This will not only give visitors someone to direct them to classes and particular ministries, but it will also allow workers to identify persons who seem out of place, who seem particularly agitated, or whose motive for being on the property is questionable.
- Sex offenders: Keep in the church office a list and pictures of sex offenders who live in an area proximate to the church as well as any who attend the church. Be sure safety team members and door greeters are aware of who they are and have a method of communicating their attendance at the church at any given time, particularly during services/activities.
- Safety patrols: Schedule safety patrols of the church property prior to and during services, including all occupied buildings, the parking lot, and any outdoor areas that are unlocked or in use during service times.
- Access to children's areas: Focus particular attention on preventing



6. WHAT SPECIFIC PREVENTATIVE SECURITY RECOMMENDATIONS SHOULD WE IMPLEMENT?

unwarranted access to areas where your ministry's most vulnerable populations are situated—particularly nurseries and other children's areas, classrooms where children and adults with special needs are meeting, and areas where a number of elderly may be located. Especially in children's areas, keep classroom doors and doors leading to the outside locked from the inside while classes are in session. Assign people to patrol entrances to children's areas and in hallways where children's rooms are located, and implement a secure drop off/pick up system. Make sure workers do not "relax" the rules even for persons they know well.

- Lighting: Verify that the church has adequate nighttime and outdoor lighting, and quickly repair/replace lights that are not working properly.
- Door locks: Ensure that all locks are in working order and that areas such as nurseries, church offices, and classrooms remain secure at all times.
- Persons in vehicles: Discourage persons from remaining in their vehicles during services so that their motivation for being on the property but not attending services is not called into question.
- Checking buildings: Prior to locking buildings, designate someone to check all rooms, bathrooms, and auditorium pews to ensure no one has been left in the building.
- Building lockup procedures: Establish when interior/exterior doors/windows should be locked and when alarms should be set and by whom. Make sure that these protocols are consistently followed.
- Security log: Keep a security log where all unusual incidents or incidents of a security-related nature should be written, including people who are approached in the parking lot, people who come to the church asking for money, and times when the doors are locked and the alarm is set.
- Incident forms: For emergency situations where someone is injured on church property, be sure to have a standard form that is used to document all relevant information including how the incident occurred, the response, witnesses, injuries, date/time, location of incident, etc.



7. WHAT ISSUES SHOULD BE ADDRESSED IN OUR EMERGENCY PLAN REGARDING SECURITY BREACHES?[3]

Because every ministry is unique, the NCLL recommends that churches develop site-specific emergency response plans for their ministries that take into consideration the unique aspects of their ministries, including building configurations and locations, numbers of people on the property at any given time, evacuation routes, availability of safety team members and communication devices in various locations, etc.

- Emergency contacts: Post emergency contact information in visible and high-traffic areas, and maintain a contact list of emergency medical personnel within the church who are willing to assist in emergency situations.

- 911: Designate several persons to call 911 and to contact emergency medical personnel within the church when necessary; however, encourage all persons who see or hear of an emergency situation to call 911.

- Reporting threats: Take seriously and report any threats to law enforcement that have been made to or against the church or individual members.

- Communication during an active security breach: Code words may be used to communicate what appears to be a low-level security threat (e.g., a homeless person wandering into the building), but in the event of an actual shooter or other violent intruder, the NCLL recommends communicating with the congregants exactly what is known about the shooter and the shooter's location so congregants can make decisions as to how best to protect themselves.

[3]A trained security risk assessment professional will be able to assist you in developing this policy and may identify a number of other issues that should be addressed in your emergency response plans.



7. WHAT ISSUES SHOULD BE ADDRESSED IN OUR EMERGENCY PLAN REGARDING SECURITY BREACHES?

- Response to suspicious, disruptive, or dangerous persons on the property. Make sure your safety team knows that churches are generally not considered places of public accommodation (unlike restaurants and grocery stores) and as such may deny access to anyone, including disruptive members and visitors, with or without an explanation. Furthermore, they may require anyone to leave after giving a warning to leave. Once a person is asked to leave and refuses to do so, he or she is considered a trespasser, and police may be called if necessary to remove the person from the property.

- Use of restraint/force/armed security.[4] In developing this part of your policy, be sure to emphasize that the use of force is only authorized to the extent allowed by applicable state law. Excessive use of force in any given circumstance places innocent bystanders at increased risk of injury or death, increases the likelihood of criminal charges being brought against the person doing the restraining or defending, and also increases the church's liability risk.

- Chain of command: Make sure workers know who is responsible for communications in each physical area and/or each ministry area of the church in the event of a security breach.

- Alert/communication procedures: Let congregants and workers know how security breaches or other emergencies will be communicated to various areas and persons in the ministry at any given time.

- Lockdown procedures: Be sure to communicate and train workers on the circumstances in which a lockdown is recommended (as opposed to an evacuation) for each area of the church in the event of a security breach or other emergency, focusing especially on children's areas, including who may authorize a lockdown and how to authorize. At a minimum, make sure your workers understand the protocols for armed intruders and missing/lost children.

[4]If the church opts to offer armed security, be sure to abide by all applicable laws and regulations. With all policies providing for armed security, the following scenarios must be taken into consideration: (1) potential of a lawsuit filed against the church, church leadership, and armed security members; (2) potential for open fire in the sanctuary; (3) potential for loss of life—even innocent life; (4) potential for negative effect on church membership.



7. WHAT ISSUES SHOULD BE ADDRESSED IN OUR EMERGENCY PLAN REGARDING SECURITY BREACHES?

- Evacuation protocols: Train workers on designated evacuation routes, who should authorize, how to authorize, who reports when areas have been cleared, and to whom reports are given.

- Retrieval of children: Detail the procedures for how workers are to account for all children's safety and whereabouts in the event of an evacuation.

- Training workers: Educate all workers on the emergency response protocols and have them regularly practice drills (fire, severe weather, lockdown, etc.). Remember that in some ministries—particularly in nursery and children's classes—workers tend to rotate through more frequently than in other ministries, so be sure to provide each rotation of workers the opportunity to practice emergency response drills.



8. SINCE CHURCHES ARE INCREASINGLY BECOMING TARGETS OF VIOLENCE, CAN WE BE HELD LEGALLY RESPONSIBLE IF WE DON'T HAVE A SPECIFIC PLAN TO DEAL WITH SECURITY BREACHES?

The answer to this question is very fact-specific. Whether or not a church could be held responsible for failing to prepare or plan for an armed intrusion depends on whether the church has an actual legal duty to do so. This determination hinges on the existence (or lack thereof) of facts specific to that church that would create a "foreseeable" threat of such an emergency. For example, if the church is in a high-crime area and a recent rash of burglaries or armed intrusions has occurred within close proximity to the church, it is foreseeable that the church and its members would be victims of criminal activity. In such a situation, it is likely the church has a legal obligation to prepare for and warn potential victims of the pending threat to the church. However, even if a church does not have a legal obligation to prepare for an armed intruder or other emergency situation, it does not mean that it does not have an ethical obligation to do so. Churches across America host millions of people every week—people from all ages and stages of life—and churchgoers expect that the church house will be a safe house. Church leaders should do everything they can to protect those with and to whom they minister.[5]

9. WHAT LEGAL OBLIGATIONS DOES OUR CHURCH HAVE WHEN WE PROVIDE A SAFETY TEAM AND HAVE EMERGENCY RESPONSE PLANS?

Once a church undertakes to provide safety/security-related activities, it has a duty to perform those activities in a "reasonable" manner. This is known as "voluntary assumption of duty" (i.e., when a person or ministry assumes a duty that would otherwise not be a legal responsibility). When a person or organization voluntarily assumes a duty, they are required to exercise that duty with reasonable care. So, for example, obtaining background checks on your church safety team would likely be a minimum standard of "reasonableness" in the church's providing of safety services. If the church did not conduct background checks on safety team workers and a safety team member with a criminal background misused a firearm in your church, a court would likely consider the church's actions in failing to do a background check "unreasonable" and thus hold the church liable for any injuries that resulted.

[5] Keep in mind that certain legal duties are inherent in ministry, such as the duty to protect children from child abuse. This involves proper screening of workers, training workers, reporting suspicions of child abuse, and other legal duties. Contact the NCLL for more information on the legal duties a church assumes when it ministers to children.



10. DOES STATE LAW ALLOW PEOPLE TO CARRY CONCEALED WEAPONS ON CHURCH PROPERTY?

The answer to this question depends on the state in which your church is located. These state laws typically break down in one of the following ways:

- Concealed weapons permit (CWP)[6] holders are prohibited from carrying on church property except under specific circumstances. For example, Nebraska law[7] currently prohibits weapons in places of worship but carves out an exception for churches to authorize its "security personnel" to carry concealed on the property if such personnel have a concealed weapons permit and written notice is given to the congregation (this also assumes that carrying concealed is not a violation of a written lease).

- CWP holders are prohibited from carrying on church property unless they are specifically given permission to do so by church leadership. In these states, churches should provide written permission to individuals the church will allow to carry unless the church wants to give blanket permission to anyone who has a CWP. This option differs from the Nebraska law because in Nebraska only those specifically designated as part of the church's designated "security personnel" (which is what the Nebraska law calls them) are permitted to carry, unlike in a number of other states where the church can authorize anyone with a CWP to carry concealed.

- State law treats churches just like any other private property. In this case, the church, as a private property owner, usually still has the right to ban weapons on the property if it chooses to do so, but state law likely regulates the size, location, and type of signage required for churches and other business entities to provide notice to CWP holders that their weapons are not permitted. If the notice provided does not meet the statutory requirements, notice is not deemed lawful and a person who carries a concealed weapon (assuming they have a lawful permit) will generally not be prosecuted. Persons who carry in places where proper notice has been posted that weapons are prohibited are subject to a variety of criminal and civil sanctions.

[6]The name for a concealed weapons or firearms permit is different from state to state. "CWP" is just a generic name for all of these types of permits.

[7]Nebraska Admin. Code Title 272, Chapter 21, section 018.03.



10. DOES STATE LAW ALLOW PEOPLE TO CARRY CONCEALED WEAPONS ON CHURCH PROPERTY?

- CWP holders are permitted to carry on church property *unless* there is also a school on the property. In most states, carrying anywhere on school property is prohibited (except in vehicles, in some states), so when a church also has a Christian school on the property or a church meets on school property, this creates a "gray area" legally that is not specifically dealt with in most state laws.

Concealed carry weapons laws are very state-specific, and variations exist even in the descriptions of gun laws as described in the bullet points above. Many constitutional experts and attorneys agree that state laws limiting or banning concealed carry on church property may potentially violate a number of constitutional liberties (First and Second Amendments, at a minimum). However, the purpose of this resource is not to enter this discussion or to encourage this practice; the goal is simply to encourage churches to plan for security breaches and to understand the liability risks that arise in doing so.

11. SHOULD WE HAVE CWP HOLDERS ON OUR CHURCH SAFETY TEAM?

There are a number of issues to consider when deciding whether or not to have CWP holders on your safety team. Here are a few:

- Whether and to what extent your insurance carrier will cover firearm-related incidents is a big consideration in whether or not to have members of the safety team carrying concealed weapons. See the sections at the end of this resource related to insurance considerations for more information.



11. SHOULD WE HAVE CWP HOLDERS ON OUR CHURCH SAFETY TEAM?

- If you are going to have persons carrying weapons as part of your safety team, assuming state law permits it, it is more advisable from both a safety and a liability perspective to have off-duty or retired law enforcement officers who are also church members acting in this capacity. Remember, when the church takes on the duty of providing security-type services, it must do so "reasonably." From a liability perspective, a church's actions are more likely to be considered "reasonable" and less likely to be negligent if the persons it chooses to be responsible for protecting the congregation are those who have extensive weapons and emergency response training. Furthermore, when off-duty police officers respond to criminal activity, they are "activated" and are no longer agents of the church but rather agents of the state, dramatically reducing the church's liability for their actions.

- If the church does not have any law enforcement officers in the congregation, consider hiring off-duty officers (optimal) or a private security service (see question 13 for further considerations about private security services).

- As a last resort, and only if none of the above options are available, some churches will consider having non-law-enforcement CWP holders carry weapons as part of their safety team responsibilities. Keep in mind, however, that in most states, obtaining a concealed weapons permit only requires a few hours of classes and a written or electronic test; ongoing classroom and field training are generally not required to maintain the permit to carry. **Furthermore, most CWP holders have no real-life experience responding to armed conflict. Because of this, they don't know the extent to which such a situation may affect their judgment, and they are more likely to respond inappropriately or with excessive force** (and since these persons are acting as agents of the church, the church would likely be held responsible for their actions). For these reasons, it is not advisable for a church to place CWP holders on the safety team without first properly vetting them (see next question) and then requiring ongoing weapons/firearm training that specifically focuses on armed conflict.



12. WE WANT TO ALLOW NON-LAW-ENFORCEMENT CWP HOLDERS ON OUR SAFETY TEAM AND WANT THEM TO CARRY WEAPONS. HOW DO WE VET THESE INDIVIDUALS?

Remember that a person on the safety team is acting as an agent of the church and that the church is responsible for its agents' actions. Therefore, to minimize the church's liability, it must undertake any security/safety actions "reasonably." What is considered "reasonable" will differ depending on the facts of the case and the judge/jury who would be hearing the case. At a minimum, the following are some questions to consider when vetting potential safety team members who will be carrying weapons (this is not an exhaustive list and none of these are determinative factors; they are just issues to consider):

- How long has this person been at the church? The NCLL recommends at least six months before being considered for any "sensitive" ministry position such as one dealing with safety, confidential issues, children, or finances.
- Has church leadership had ample time and opportunity to observe the person's social interactions and family relationships before considering him or her for the safety team?
- Is this person easily angered? Easily offended? Obviously lacking in self-control?
- Does this person struggle with depression, mental illness, or thoughts of suicide?
- Does this person talk or act like a "gun-slinging vigilante"?
- Does this person have any law enforcement or military background? Has he or she been involved in armed conflict?
- What is this person's family situation? Does he or she have a stable home/job situation?
- What is this person's general reputation?



12. WE WANT TO ALLOW NON-LAW-ENFORCEMENT CWP HOLDERS ON OUR SAFETY TEAM AND WANT THEM TO CARRY WEAPONS. HOW DO WE VET THESE INDIVIDUALS?

Once the previous factors (and others) have been considered, be sure to also take the following steps for each potential member of the safety team (these are also discussed as "due diligence qualifications" for safety team members in question 3):

- Have the person fill out a ministry volunteer application.
- Conduct a personal interview of the applicant with the head of the safety team and a member of church leadership.
- Obtain a comprehensive background check and update it every couple of years.
- Obtain personal references (coworkers, bosses, previous church pastors, etc.).
- Ensure the person has a valid concealed weapons permit in your state and keep a copy of the permit along with a copy of the person's driver's license.
- Request copies of records of any additional weapons/armed conflict training and/or certifications of the applicant, and if the person is chosen for the team, keep copies of all future training and certification records.



13. SHOULD WE HIRE A PRIVATE SECURITY FIRM RATHER THAN HAVE SAFETY TEAM MEMBERS CARRY WEAPONS?

The benefit of hiring a private security agent or company is that they are likely to be better trained (and less likely to be legally negligent) in responding to emergency situations than lay persons on the church safety team. Furthermore, many private security services contract with or employ off-duty police officers to provide their private security services, and having law enforcement on the property (particularly if they use their law enforcement uniforms and vehicles), acts as a visual deterrent to would-be intruders or those bent on doing harm. Keep in mind, however, that similar to designated safety team members, private security guards that are hired by the church also act as agents for the church. Ultimately then, it is the church's responsibility to ensure that the security service is licensed, bonded, and insured and that its employees are qualified and trained in accordance with state legal requirements. Also note that licensing as a security guard does not automatically grant the right to carry a weapon. In most states, any person who carries a weapon, open or concealed, must have an individual permit to do so—a permit that may be separate from his or her occupation as a police officer or security guard. It may be the church's responsibility to ensure that persons carrying weapons who are providing security services for the congregation have a legal right to be carrying.

14. WILL HIRING A PRIVATE SECURITY FIRM OR AGENCY, RATHER THAN HAVING SAFETY TEAM MEMBERS CARRY WEAPONS, REDUCE OUR LIABILITY IN THE EVENT OF BYSTANDER INJURIES DURING A SECURITY BREACH?

There is no guarantee that hiring a private security company will reduce the church's liability. A bystander who is injured by a private security guard may decide to ONLY sue the church—they may not even sue the private security company or the guard who injured them. More than likely, however, a person who is injured and looking for someone to sue will sue all potential parties—the church, the security company, and the individual guard—under different legal theories. Given that the security company is acting as an agent for the church, the church may ultimately be responsible for the company's actions; however, private security agents or employees are likely to be better trained to handle emergency situations than regular church members, and their actions are less likely to be legally negligent than lay persons on the church safety team who have little weapons training. If the church does choose to hire a private security firm or agency, be sure to use only bonded/insured companies and look for indemnification language in the church's contract with the agency.



15. DOES THE CHURCH HAVE ORGANIZATIONAL LIABILITY FOR CWP HOLDERS WHO ARE NOT PART OF A DESIGNATED SAFETY TEAM BUT WHO ARE CARRYING A WEAPON AND ACCIDENTALLY DISCHARGE A FIREARM OR RESPOND WITH FORCE IN THE EVENT OF A SECURITY BREACH?

The church would likely not be held legally liable for persons carrying concealed weapons but who have not been officially "approved" to carry as part of the church's safety team. The reason for this is that those persons are simply exercising their statutory and constitutional right to carry on church property and haven't been placed in a position of authority by the church (i.e., they are not acting as "agents" of the church). However, the reality is that there will always be potential organizational liability if someone is injured or killed on church property. The difference is that if you contract with off-duty law enforcement or a security company, you are hiring persons who are likely better trained and able to respond more appropriately to an emergency situation (making it more likely to be handled appropriately and less likely to be legally negligent). As well, when you hire a qualified outside person or agency to provide security, you "spread the fault around," making it less likely that the church would be held completely responsible. Plus, these other entities should have their own insurance that could/would come into play in the event of a lawsuit.

16. IF OUR CHURCH BANS WEAPONS (I.E., MAKES OUR PROPERTY A "GUN-FREE ZONE"), EVEN THOUGH STATE LAW DOES NOT PROHIBIT CARRYING IN CHURCH, COULD WE BE HELD LIABLE IF SOMEONE IS INJURED OR KILLED BY AN INTRUDER?

Some states that do not prohibit concealed carry in churches still allow churches and private businesses to ban concealed weapons by posting appropriate notices. The current judicial legal climate suggests that such businesses would likely not be held responsible if a person was unable to defend himself and was injured or killed; however, legislation has been introduced in a number of states that would hold business owners who enforce "gun-free zones" responsible for injuries to persons who could otherwise have defended themselves but were forced to disarm. Churches that prohibit their members from carrying concealed weapons in states where they would otherwise be permitted could potentially mitigate their liability by taking reasonable steps to ensure the safety of their disarmed[8] parishioners by hiring armed security guards and taking other safety precautions. However, this is not a guarantee.

[8]Recent bills introduced in Florida (SB 601), Missouri (HB 300), Tennessee (SB 1736), and Arizona (SB 1159).



17. OUR STATE PROHIBITS CWP HOLDERS FROM CARRYING WEAPONS UNLESS THE CWP HOLDER RECEIVES PERMISSION FROM THE CHURCH. SHOULD WE RESTRICT WHO WE GIVE PERMISSION TO IN ORDER TO MINIMIZE THE LIKELIHOOD OF FIREARM ACCIDENTS AND/OR BYSTANDER INJURIES?

This is up to the church and depends on a number of factors. First, consider whether your state has or is considering "gun-free zone liability" legislation. Such legislation, as discussed previously, would subject the church to liability in the event of injuries or deaths that could potentially have been prevented if CWP-holding patrons were permitted to carry their weapons. Second, the NCLL recommends that while the church should reserve the right to deny specific individuals the right to carry (keeping in mind that any person who is told he or she cannot carry may still actually do so even without permission), it may be advisable to adopt an "all-or-nothing" approach rather than picking and choosing who may or may not carry. Allowing only some individuals to carry concealed will likely breed contempt and anger among the congregation, particularly if you live in an area where most of your churchgoers have CWP permits and carry regularly. Plus, if only a select few are given permission to carry, those few are more likely to be considered "agents" of the church; whereas, if everyone with a permit is permitted to carry, only those designated by the church to act in emergency situations as safety team members would be considered agents. The exception to this all-or-nothing recommendation is if the church only wants its safety team members to carry weapons.

18. DO INDIVIDUALS ON OUR SAFETY TEAM WHO CARRY CONCEALED WEAPONS INCREASE THEIR PERSONAL RISK OF LIABILITY?

Yes. Because these persons are volunteering to assist with emergency situations, they are voluntarily putting themselves at an increased risk of being accused of various legal (both civil and criminal) violations. These may include use of excessive force, false imprisonment, assault, battery, infliction of emotional distress, negligence, and other causes of action or criminal charges. A church should advise everyone on the church safety team, particularly those who are carrying a weapon, to understand the terms of their personal liability or homeowner's insurance policy as they relate to the use of firearms. In the event of a lawsuit against an individual who used a weapon, that person's insurance would likely be implicated; therefore, it would be in the church's best interest to make sure that individuals on the church's safety team have individual personal liability policies. Furthermore, the church should consider having an indemnification policy stating that persons on the safety team who are acting in their capacity as safety team members will be indemnified for their actions (this is also a good incentive to have qualified individuals be more willing to join the ministry safety team).



19. HOW DOES A SAFETY TEAM IMPACT OUR CHURCH LIABILITY INSURANCE?

Anytime a church makes changes in its ministry that could impact the church's liability or its insurance coverage, it is vital to communicate with the insurance carrier to determine precisely how various scenarios would be covered and the types of coverage that may be available and/or needed.

Having a safety team is going to impact your church insurance, but HOW it is impacted will depend on a variety of factors. One of the primary factors is how the insurance policy defines "intentional acts," because intentional acts are often excluded from coverage under a liability policy (called the "intentional acts exclusion"). For example, if a safety team member were to restrain a disruptive person who is physically and verbally threatening the pastor, the insurance company may consider that restraint to be an "intentional" act on the part of the safety team member and therefore deny coverage if the restrained person were to sue the church.

20. WHAT KINDS OF QUESTIONS SHOULD WE ASK OUR INSURANCE AGENT?

Carefully read and understand your insurance policy so you know exactly what is and is not covered. If the following questions are not clear from the wording of your policy, discuss them with your insurance agent and consider adjusting your policy so that these questions are answered and understood by both parties:

- Are volunteers covered under the church's liability policy?
- Does the policy include coverage for safety team members? How about safety team members who are armed?
- Does the policy limit or deny coverage if the church is deemed negligent in the selection or retention of safety team members?
- If a safety team member uses force to repel or contain a disruptive person, is that considered an "intentional act" that would be excluded under our policy?



20. WHAT KINDS OF QUESTIONS SHOULD WE ASK OUR INSURANCE AGENT?

- What if the person is accused of or is determined to have used excessive force? Will coverage to the church be denied in that instance? If so, can we modify that exclusion to cover the church in the event a safety team member is deemed to have used excessive force?[9]
- Does the intentional-acts exclusion only apply to the person accused of the intentional act (in a shooting, use of physical force, etc.), or would that exclusion apply to the church and church leaders too?
- If a safety team member were accused of false imprisonment, would that be covered under the policy?
- If a safety team member were accused or charged with a crime in the handling of a security incident, would the insurance policy cover that team member's legal defense?
- If a safety team member were to use a weapon in self-defense or in the defense of others and accidentally injured a bystander, would the policy cover the bystander's injuries? Would that be considered an "intentional" act that is excludable under the policy?

21. WHAT OTHER TYPES OF INSURANCE COVERAGE SHOULD WE CONSIDER TO MINIMIZE OUR CHURCH'S LIABILITY?

The types of policies, endorsements, and riders insurance companies offer and are willing to provide your ministry will vary widely. Given the many ways in which liability could result from the use of force and especially from the use of weapons during a security-related incident (coupled with the fact that accidents may also occur that may cause injury or death), you may wish to add other types of coverage that may help fill in the gaps of your current policy. These may include emotional-distress coverage, post-incident counseling coverage, wage-loss reimbursement, and higher medical expense coverage (for team members and victims, since most medical coverage limits will not even come close to paying for actual medical expenses in the event of an armed attack or accidental armed incident).

[9]Many states prohibit insurance policies from covering the legal defense of a person charged with a crime. However, some states allow insurance companies to reimburse, up to a stated policy limit, those costs spent by an individual after that person is acquitted or found "not guilty."



Conclusion

Safety and security-related incidents—whether a minor disturbance or a full-blown attack—have one thing in common: they are never fully anticipated. However, taking a proactive rather than a reactive approach to ensuring the safety of your congregation, church staff, and others to whom your church ministers will allow your church to mitigate the negative impacts of such events and, in many cases, prevent such events from escalating or even happening in the first place.

The National Center for Life and Liberty exists to help churches fully maximize their ministry with minimum liability. For questions or comments about this resource, please contact us at info@ncll.org.

"We made a prayer unto our God,
and set a watch against them day and night . . ."
NEHEMIAH 4:9 (KJV)