

# “Armed and Dangerous,” CAI Common Ground

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By: Donna DiMaggio Berger



The increasing number of “active-shooter” incidents across the U.S. and abroad is creating troubling questions for community association boards. Is it time to think of the unthinkable?

*By Mike Ramsey*

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IT WAS NOT A PLEASANT TOPIC, but that didn’t stop the Ridgeview Place Condo Association near St. Louis from raising questions about what owners should do if an “active shooter” storms the community.

“We’re too isolated for anybody to really come—and we’re all too old,” says Diane Burnell, chair of the association’s disaster preparedness committee. And yet the retired marketing manager says the community was spurred into action by the gun rampages that have occurred with alarming frequency across the U.S. and abroad in recent years, at sites ranging from schools to houses of worship to airports and even military bases.

During a presentation at Ridgeview Place, a local police official discussed evasion strategies that could make the difference for owners if the unthinkable were to happen. “I was at church the other night,” Burnell says, “and I’m looking and going, ‘OK, what if somebody came in here? Where would I go?’ It’s a horrible thought.”

Other community associations are appraising their preparedness. Some are raising their game by establishing stronger partnerships with law-enforcement agencies; others are beefing up security protocols on-site.

“It’s just a sign of the times. You’re seeing all these incidents throughout the country and, quite frankly, throughout the world,” says T. Peter Kristian, CMCA,

LSM, PCAM, general manager of Hilton Head Plantation in South Carolina, which recently adopted an aggressive response strategy.

Now, the master-planned community's armed security officers are expected to confront an active shooter immediately, rather than simply secure a perimeter and wait for sheriff's deputies. The significant change in tactics was endorsed by the board of directors and had the support of police, says Kristian, a CAI past president.

"Waiting for law enforcement was really not the right option," he says.

"Unfortunately, the lessons we've learned from these situations is that the shooter continues to shoot as long as he has ammunition and targets. Unless you take that individual down, they'll continue to inflict damage and fatalities on bystanders."

The amenity-rich Hilton Head Plantation is perhaps unique compared to many communities by having its own security force of 30 officers with full police powers on the premises. But the community is also potentially vulnerable because of its several venues where crowds gather for activities, Kristian says.

"The damage is done in a minute. If you don't have a rapid response, more lives may be lost," he says.

## **DEFINING THE PROBLEM**

The FBI defines an active-shooter incident as "one or more individuals actively engaged in killing or attempting to kill people in a populated area." They are not a new phenomenon in the U.S.

In August 1966, for example, a sniper positioned himself atop a tower at the University of Texas in Austin and randomly shot at people—killing 16—before he himself was shot dead 90 minutes later by a police officer. In 1984, a shooter walked into a San Diego McDonald's and began firing at customers and employees, killing 21.

Experts who study these crimes consider Columbine High School in April 1999 a turning point. The student-on-student mass killing drew widespread attention and prompted police departments to rethink how they might respond more effectively to a new kind of assailant, one who is well-armed and bent on maximum destruction in a civilian setting.

"These tend to be avenger-type personalities—people who feel they've been wronged," says J. Pete Blair, executive director of the Advanced Law Enforcement Rapid Response Training Center at Texas State University, which helps prepare first-responders for active shooters. "They start to get angry about it, and they start to think that doing something like this is a way to make people sit up and take notice."

Although these events are relatively rare, the number of casualties can be

staggering. In 2016 and 2017, 221 people were killed and 722 were wounded in 50 active-shooter incidents in the U.S., according to the FBI. This number was markedly higher than the previous two-year period (when 92 were killed and 139 were wounded) because it includes the June 2016 attack at the Pulse nightclub in Orlando and the October 2017 Las Vegas shooting. The latter massacre is considered the deadliest mass shooting in U.S. history.

## **PREPARING FOR THE WORST**

Donna DiMaggio Berger, a shareholder at Becker, says her law firm began organizing safety seminars for clients in the wake of the deadly shooting at nearby Fort Lauderdale-Hollywood International Airport in January 2017. A member of the Broward County Sheriff's Office SWAT team has conducted the class.

"Our feeling is it's only a matter of time before one of these horrific events takes place in one of our communities," says DiMaggio Berger, a fellow in CAI's College of Community Association Lawyers (CCAL). "We just wanted to make sure our community leaders and our community residents understood the steps they could take to try to survive one of these incidents."

Meanwhile, private security advisers have sensed the desire on the part of community associations to take a proactive approach. Among the firms filling this growing niche are Parsippany, N.J.-based Planned Companies, which provides concierge services to commercial buildings, multifamily rentals and condominiums, and homeowners associations.

Dino Iuliano, chief revenue officer for Planned Companies, offered a seminar early this year to discuss the threat posed by active shooters. Since then, the former Marine and law enforcement officer says, "It's become a bit of a demand now. People are calling in, and I've had to take the show on the road."

On a more granular level, his company will work with police agencies, managers, and boards to develop active-shooter plans that are tailored to the physical traits of a particular community.

"Some people are building safe rooms to hide," Iuliano says. "Do you have space for it? Who's going to go there? Who's going to be able to go there? When is it smarter to shelter in place? Are we talking about children under 18—what are the rules around them? Every community will have a different setup or program."

Communication should be a major part of any safety plan, he says. Planned Companies offers to set up a notification system for residents so that they can receive real-time updates about an emergency.

"When my kids have a snow day, I get an email, a text blast, and a phone call," Iuliano says. "I've been unpleasantly surprised how little of that communication

is set up at the communities.”

The active-shooter workshops geared toward civilians typically include some variation on the “Run, Hide, Fight” program developed by the U.S. Department of Homeland Security. Basically, it is a system of escalating responses: flee, conceal yourself and, as a last resort, confront the shooter directly.

The method employed by Blair, the Texas State University researcher, is similar but labeled “Avoid, Deny, Defend.” It stresses the fluidity of active-shooter events for people who find themselves caught up in them, he says. The catch word “hide” can be a little misleading, Blair notes, because individuals may need to keep moving, depending on the path a gunman takes.

“The general impression is, ‘I should hide under a table or a desk and just really hope they don’t find me,’ ” he says. “You have to be prepared to change your options as you go, based on the situation.”

DiMaggio Berger, the Florida attorney whose firm has set up safety classes, says it’s important that people do not become complacent as they go about their business. If you hear the sound of firecrackers, it’s not unreasonable to think it could be gunfire, she says.

“When people get used to thinking about it, they’re going to be able to react,” she says. “One of the things the SWAT leader advised the most was, ‘You need to start moving immediately.’ ”

“If something weird happens, leave,” agrees Blair. “Don’t hang out to see what happens next.”

Then there is the issue of concealed-carry firearms, which are allowed in all states for qualifying gun owners. Blair says in some circumstances off-duty police or civilians carrying weapons have been able to neutralize a gunman, but the Good Samaritans themselves could be at risk when police storm what is likely to be a chaotic scene.

“Even undercover police officers have to be aware of that,” he says. “We tell people they need to be very cautious about going out and seeking the bad guy themselves because there’s nothing to identify them as being ‘the good guy.’ ”

## **GAUGING THE THREAT, RESPONSE**

Community associations are not immune to the jarring active-shooter trend. At least one violent episode at a common-interest development would seem to fit the mold: a deadly outburst at a board meeting of the Ventana Lakes Home Owners Association nearly 20 years ago.

In April 2000, a former resident with a history of disputes with his Phoenix-area community pulled out a weapon and began firing, killing two people, including a board member, and wounding three others before being subdued by audience members. The gunman died in prison in 2013.

David Norton, whose Sedona, Ariz.-based company, Spectrum Management Associates, handles 13 community associations, has seen his share of potentially dangerous moments at board meetings.

“We did have one meeting where an owner approached the board table and was threatening one of the board members, and I got in his face and told him to sit down, or he was out,” Norton recalls. “He didn’t sit down. I called the police, and he was removed and arrested. But that time lag between making the call and getting handcuffs on somebody can seem like forever.”

Norton, a retired Phoenix police sergeant, understands the concerns owners have about the active-shooter phenomenon. But he cautions against community associations with modest resources from overreaching. His communities do not have security features, such as patrols or gatehouses.

“It’s not something that an HOA would ever have the time or the experience to deal with, especially since the board of directors is constantly turning over,” Norton, CMCA, AMS, says of active-shooter preparation. “I’ve made it clear to all of my boards that if anything starts to happen, we’re just calling the police or the sheriff. We will just turn the matter over to them.”

Some of his boards have had occasion to hire off-duty police officers to attend potentially volatile meetings, he says.

The courts may be another option for dealing with a potentially dangerous person, says Jasmine Hale, Los Angeles-based partner of California’s Adams Stirling law firm.

One of her clients, a master-planned community, was rattled by an incident in November 2018, when one of the homeowners became upset at the requirements he needed for an exterior modification. He told staff he would shoot them and members of the architectural committee if he didn’t get approval, says Hale, a CCAL fellow.

The comments were especially unnerving because they came the day after a gunman killed 13 people in a country-western bar in Thousand Oaks, Calif.

Hale says she and the board president quickly weighed the incident. Part of the discussion was about the owner’s previous history of behaving in an angry manner.

“Even if you’re pretty sure that this was just a joke, the one time that it’s not a joke, and you don’t take it seriously, there’s liability there,” says Hale. “I’d rather you err on the side of being cautious and conservative and protecting your employees and fulfilling your legal responsibilities as an employer.”

A judge granted a temporary emergency restraining order that barred the owner from having contact with employees. He was apologetic and kept a low

profile for the next several weeks, Hale says, and the order was lifted at a subsequent court hearing.

“People are emotional with their homes, and sometimes act disproportionately because of that,” she says.

Back in the St. Louis area, Burnell, the disaster preparedness committee head, thinks the training her condominium association received about active shooters was a good idea.

“Wherever I go,” she says, “I always check out how to get out and where I could hide—not that I could run.”

*Mike Ramsey is a Chicago-based freelance writer.*

## **INTERNATIONAL THREATS**

CAI reached out to some of its international members to ask them about safety concerns community associations are facing in other countries. Here are two responses:

**SOUTH AFRICA.** The sprawling nation is known for its natural beauty and, unfortunately, problems with crime. Seventy percent of residential developments there are akin to low-density condominium complexes, with another 30 percent “estates” that are similar to homeowners associations, says CAI member Johan Kruger, PCAM, of Association Management Solutions. A major focus at all of these communities is access control and keeping intruders out, he says. Owners have spent millions to upgrade their security, including the technology that is central to it.

“It’s a big business in South Africa,” writes Kruger. “In some areas, the estates have a very good relationship with their local police station, but mostly they are on their own.”

**AUSTRALIA.** Manager Julie Anne McLean says residents of condominium-like “schemes” have been plagued with a lower grade of crime that is no less frustrating: identity theft. This is the result of thieves breaking into letterboxes, says McLean, of Ace Body Corporate Consulting, based in the Melbourne area.

“Letterboxes are being upgraded and relocated where possible behind access control systems,” McLean writes.

Other security problems include break-ins at storage units and the drugs and violence that can come with short-term leasing, she says. —M.R.

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