

ARMED SECURITY— LET IT BANG?!?!

Top legal considerations for your ministry's safety and security program

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Common Needs Addressed By A Safety Ministry Team

- Missing Children – Child Sexual Abuse Prevention
- Disruptive or Violent Incidents
- Medical or Weather Emergencies
- Lockdowns
- Domestic Violence
- Fire

General Security/Safety Considerations

- Facilities Map
 - Each Room
 - Entrances and Exits
 - If you were a toddler could you hide there – map it!
- Evacuation protocols
- “Heckler” protocols
- Emergency health protocols
- Whole campus security (not just in the sanctuary)
- Church safety or security team?

Texas' Naming Requirement

(b) While serving as a member of a volunteer safety group, a person may not:

(1) wear a uniform, badge, patch, or other item that would give the member the appearance of being a peace officer, personal protection officer, or security officer; or

(2) carry an object displaying a word or phrase, including the word "security," that would give the person the appearance of being a peace officer, personal protection officer, or security officer.

From the Texas Occupations Code, enacted in 2017



What Level of Safety Is My Church Required to Provide?

- You have a legal duty to protect against unreasonable risk of physical harm.
- You have a legal duty to provide first aid to the ill or injured until help arrives.
- You even have a heightened duty when it comes to protecting minors.

How Are Churches Sued Over Security Issues?

Key Concept:

Churches don't harm people (they're entities) but can be held responsible for the actions of their volunteers and/or employees.

How Are Churches Sued Over Security Issues?

When the lawsuit is filed, here is typically how the parties are designated:

Alleged Victim

v.

Church (Deep Pocket—Insurance)

and

Alleged Bad Actor (i.e. child abuser, negligent security guard and are usually broke)

How Is the Entity Sued?

Negligent Practices Including:

- Selection of Volunteers
- Hiring of Employees
- Screening Processes
- Training
- Supervision
- Retention

What Does Church Safety/Security Include?

- Medical Emergencies Plans
- Child Abuse Prevention
- De-escalation Plans
- Evacuation Plans
- Unarmed Safety Team (eyes and ears)
- Armed Church Security?

What About Guns?

General Firearm Policy for Your Church

- Strict
 - No guns allowed at all; or
 - Only guns for the safety team members
- Moderate
 - Can only carry with permission
- No Policy (which is actually a policy)

What About Armed Security?

When the church is telling the security/safety team to carry weapons (or the church knows they carry weapons and remains silent on it), the church is telling them to

- 1) carry a weapon;
- 2) without any idea of their level of competency;
- 3) without providing any training related to that use of that weapon;
- 4) to carry out the purposes of the church.

What About Armed Security?

- Hypothetically, imagine an angry husband comes to church to confront his wife. He pulls a knife on a volunteer security team member that stops him in the church lobby. The security team member pulls his gun and shoots, missing the man and severely injuring a bystander.
- Here, the church would be sued on the basis that it did not properly select or train the volunteer (Negligent Volunteer Selection and Training).

What About Armed Security?

- This begs the question—how do manage your safety team?
- Do you screen?
 - Background check;
 - Interview;
 - Reference checks;
 - License to carry records;
 - Active shooter training; and
 - Firearms qualification.

Critical Insurance Considerations

- Does your insurance policy cover the individual volunteers and/or employees if they are involved in an incident and are sued?
- Does your policy even allow use of firearms by your volunteer team?
- Do you have a volunteer-specific security/safety ministry endorsement?

Conclusion

- You have an obligation to place competent and capable volunteers on your front lines to protect your ministry.
- You must have written policies and procedures that carefully specify your objectives and the practical “how-to” aspects of your safety ministry.
- You must provide training on your policies and procedures.

What Next?

Contact us at The Church Lawyers for a diagnosis of your ministry's legal footing in this critical area.

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